

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

July 23, 2025

UNITED STATES OF AMERICA,)	
Complainant,)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2023A00015
)	
WALMART INC. (BETHLEHEM))	
Respondent.)	
)	

Appearances: Sirin Ozen Hallberg, Esq., for Complainant
Dan Brown, Esq., and K. Edward Raleigh, Esq., for Respondent

ORDER RESETTING DEADLINE

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 13, 2022, alleging Respondent, Walmart Inc. (Bethlehem), violated 8 U.S.C. § 1324a(a)(1)(B). On February 17, 2023, Respondent filed an answer and a motion to dismiss. This case is one of twenty related Complaints. *See* OCAHO Case Nos. 2023A00016–34.

This case was last before this ALJ on February 23, 2024, when I issued an order granting in part and denying in part Respondent’s Motion to Dismiss the First Amended Complaint. *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475e (2024).¹ This decision was affirmed by the

¹ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, *seriatim*, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

Chief Administrative Hearing Officer on review. *United States v. Walmart Inc. (Bethlehem)*, 17 OCAHO no. 1475g (2024).

Subsequently, the U.S. District Court for the Southern District of Georgia permanently enjoined this Court from continuing this and the related 19 proceedings, finding that the Administrative Procedure Act's "good cause" removal procedure for Administrative Law Judges (ALJs) under 5 U.S.C. § 7521(a) unconstitutionally infringes upon the President's Article II executive power to take care that the laws are faithfully executed. *Walmart Inc. v. King*, No. 623-040, 2024 WL 1258223 (S.D. Ga. Mar. 25, 2024). Subsequently, the United States Court of Appeals for the Eleventh Circuit on July 16, 2025, vacated the district court's permanent injunction and reversed its grant of summary decision for Walmart. *Walmart, Inc. v. Chief Admin. Law Judge of the Off. of the Admin. Hearing Officer et al.*, __ F. 4th __, 2025 WL 1949488 (11th Cir. 2025). The Court held that § 7521(a) is constitutional as it applies to OCAHO ALJs. *Id.* at *1.

Accordingly, the Court may proceed with the case.

In the February 23, 2024, Order, I required the parties to meet and confer and provide the Court with a list of alleged violations subject to dismissal. Before the parties could do so, the case was enjoined. As the case may now proceed, the deadline for the parties to provide the list of alleged violations subject to this Court's dismissal order (and identify any that are in dispute) is reset to August 21, 2025. The Court will schedule a prehearing conference thereafter.

SO ORDERED.

Dated and entered on July 23, 2025.

Honorable Jean C. King
Chief Administrative Law Judge