

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

UNITED STATES OF AMERICA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 2026A00009
LA TROJE BAR AND GRILL, LLC,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Oscar J. Montemayor, Esq., for Complainant
Ignacio G. Martinez, Esq., for Respondent

NOTICE AND ORDER TO SHOW CAUSE

I. PROCEDURAL HISTORY

This case arises under the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324a. Complainant, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 16, 2025. Complainant alleges that Respondent, La Troje Bar and Grill, LLC, failed to ensure the employee properly completed section 1 and/or failed to properly complete section 2 or 3 of the Employment Eligibility Verification Form (Form I-9) for sixteen individuals in violation of 8 U.S.C. § 1324a(a)(1)(B). Compl. ¶ 6.

Complainant attached to the complaint the Notice of Intent to Fine Pursuant to Section 274A of the INA (NIF) that it personally served on Respondent through Mr. Luis Gonzalez, who identified himself as the owner of the Respondent-business, in Brownsville, Texas, on July 17, 2024, seeking a fine of \$35,258.80 for the alleged violations. Compl. Ex. A. The NIF put Respondent on notice of its right to contest the fine by submitting a written request for a hearing before an Administrative Law Judge (ALJ) to DHS “within 30 days from the service of this [NIF].” *Id.*

Also attached to the complaint was a letter dated August 19, 2024, signed by Mr. Ignacio G. Martinez, Esq., on behalf of the Respondent-business, through which Mr. Martinez requested a hearing before an Administrative Law Judge (ALJ) (“request for hearing”).¹ Compl. Ex. B. Mr. Martinez’s letterhead included an address for his law firm in Brownsville, Texas. *Id.*

Pursuant to 28 C.F.R. § 68.7(b)(5),² Complainant asked OCAHO to serve the complaint both on Respondent at its business address, through owner Mr. Gonzalez, and Respondent’s counsel, Mr. Martinez, at his law office in Brownsville, Texas. Compl. 6.

On January 5, 2025, using the United States Postal Service’s (USPS) certified mail service, OCAHO mailed Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), the complaint, the NIF, and Respondent’s request for hearing (together, the “Complaint package”). Through the NOCA, OCAHO’s Deputy Chief Administrative Hearing Officer (Deputy CAHO) informed Respondent that these proceedings would be governed by OCAHO’s Rules of Practice and Procedure for Administrative Hearings and applicable case law. Notice of Case Assignment ¶ 2. The NOCA included links to OCAHO’s Rules and its Practice Manual, along with contact information for OCAHO. *Id.* The Deputy CAHO directed Respondent to answer the complaint within thirty days in accordance with 28 C.F.R. § 68.9(a). *Id.* at 4. The Deputy CAHO cautioned Respondent that its failure to file an answer could lead the Court to enter a judgment by default and all appropriate relief pursuant to 28 C.F.R. § 68.9(b). *Id.*

Per its standard practice, OCAHO requested a tracking number for the Complaint package and proof of service through a USPS Domestic Return Receipt Form (PS Form 3811) (“return receipt”). The USPS certified mail tracking information for the Complaint package mailed to the Respondent-business indicated

¹ OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2025), provide that “[a] request for a hearing signed by an attorney and filed with [DHS] pursuant to section 274A(e)(3)(A) or 274C(d)(2)(A) of the INA, and containing the same information as required by this section, shall be considered a notice of appearance on behalf of the respondent for whom the request was made.” 28 C.F.R. § 68.33(f). Therefore, the Court considers this signed request for hearing to be a notice of appearance by Ignacio G. Martinez, Esq., on behalf of Respondent.

² OCAHO’s Rules of Practice and Procedure for Administrative Hearings generally govern these proceedings and are available on the United States Department of Justice’s website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

that it was “delivered to the front desk, reception area, or mail room” of the Respondent-business on January 9, 2026. OCAHO also received a signed and dated USPS return receipt for the delivery. The receipt included a handwritten delivery date of January 9, 2026, and the name and signature of the individual who received the Complaint package.³ The USPS certified mail tracking information for the Complaint package mailed to Respondent’s counsel, Mr. Martinez, indicated that it was “delivered to the front desk, reception area, or mail room” of his law office on January 9, 2026. OCAHO also received a signed and dated USPS return receipt for the delivery. The receipt included a handwritten delivery date of January 9, 2026, and the name and signature of the individual who received the Complaint package.⁴

To date, Respondent has not filed an answer or communicated with OCAHO.

II. REGULATORY AND LEGAL STANDARDS

OCAHO’s Rules of Practice and Procedure for Administrative Hearings generally govern these proceedings. OCAHO’s Rules explain that the filing of a complaint commences an adjudicatory proceeding before OCAHO. 28 C.F.R. § 68.2. However, “the formal stage of a case actually does not begin (the time deadlines do not start) until the OCAHO serves the original complaint on the respondent employer.” *United States v. Arnold*, 1 OCAHO no. 119, 781, 785 (1989) (internal citations omitted).⁵

OCAHO’s Rules require the complainant to identify “the party or parties to be served by the Office of the Chief Administrative Hearing Officer with notice of the complaint pursuant to [28 C.F.R.] § 68.3.” 28 C.F.R. § 68.7(b)(5). Complainant must

³ The signature consisted of the initials “V” and “R,” while the printed name appeared to read, “Valeria Rdz.”

⁴ The name and signature were identical and consisted of a single initial.

⁵ 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 after 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 “FIM–OCAHO,” the LexisNexis database “OCAHO,” or on OCAHO’s homepage on the United States Department of Justice’s website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

include this information in a statement accompanying the complaint. *Id.* After receiving this information, OCAHO will serve the complaint through one of the following methods:

- (1) By delivering a copy to the individual party, partner of a party, officer of a corporate party, registered agent for service of process of a corporate party, or attorney or representative of record of a party;
- (2) By leaving a copy at the principal office, place of business, or residence of a party; or
- (3) By mailing to the last known address of such individual, partner, officer, or attorney or representative of record.

Id. § 68.3(a)(1–3). Whichever method is chosen, “[s]ervice of [the] complaint . . . is complete upon receipt by [the] addressee.” *Id.* § 68.3(b).

III. DISCUSSION AND ANALYSIS

Using the addresses provided by Complainant and the USPS certified mail, OCAHO sent copies of the Complaint package to Respondent at its business address, to the attention of its owner Mr. Gonzalez, and to Respondent’s counsel, Mr. Martinez, at his law office in Brownsville, Texas. The USPS tracking information reflected that the Complaint package was delivered on January 9, 2026, both to Respondent at its business address—the address at which DHS personally served the NIF on Respondent—and its counsel at the address listed on the letterhead of Respondent’s request for hearing. *See* Compl. Exs. A, B. Further, OCAHO received signed and dated USPS return receipts confirming receipt of the Complaint package by individuals at both addresses on January 9, 2026. The Court therefore finds that OCAHO has perfected service of the Complaint package on Respondent and its counsel on January 9, 2026, in accordance with 28 C.F.R. §§ 68.3(a)(3), 68.3(b).

OCAHO’s Rules of Practice and Procedure for Administrative Hearings afford a respondent thirty days to file an answer following service of the complaint. *See* 28 C.F.R. § 68.9(a). Through the NOCA, the Deputy CAHO explained this requirement to Respondent. *See* Notice of Case Assignment ¶ 4. Given that service of the complaint was perfected on January 9, 2026, the Court finds that Respondent’s answer was due no later than February 9, 2026.⁶ *See* 28 C.F.R. §§ 68.3(b), 68.9(a). Respondent, however, failed to file an answer to the complaint.

⁶ In accordance with 28 C.F.R. § 68.8(a), because the last day of the time period fell on a Sunday, namely, February 8, 2026, the thirty-day time period for filing an

In the NOCA, the Deputy CAHO warned Respondent that if it failed to file a timely answer, the Court might deem it to have waived its right to appear and contest the allegations of the complaint and that a judgment by default and other appropriate relief might follow. Notice of Case Assignment ¶ 4 (citing 28 C.F.R. § 68.9(b)). “If a default judgment is entered, the request for hearing is dismissed, AND judgment is entered for the complainant without a hearing.” *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004).

OCAHO’s long-established practice has been to issue an order to show cause before entering a default. See *United States v. Shine Auto Serv.*, 1 OCAHO no. 70, 444 (1989). In *Shine Auto Service*, the acting CAHO explained:

Respondent must justify [in its response to the order to show cause] its failure to respond in a timely manner. Based on the Respondent’s reply, the [ALJ] shall determine whether the respondent has met the threshold for good cause. If the [ALJ] determines that the Respondent possessed the requisite good cause for failing to file a timely answer, then the [ALJ] may allow the Respondent to file a late answer.

Id. at 445–46. This Court follows the same practice here and now issues this Notice and Order to Show Cause.⁷

The Court orders Respondent to file a response to this Order in which it must proffer facts sufficient to show good cause for its failure to file a timely answer to the complaint. Additionally, the Court orders Respondent to file an answer to the complaint simultaneously with the filing of its response showing good cause. Respondent’s answer must comport with 28 C.F.R. § 68.9. Upon receipt of Respondent’s filings, the Court will determine if Respondent has demonstrated the requisite good cause for failing to file a timely answer to the complaint and will decide whether to allow its untimely answer.

answer was extended to include the next business day, being Monday, February 9, 2026.

⁷ OCAHO shall serve this Notice and Order to Show Cause on Respondent at both addresses in the complaint, namely, its business address, to the attention of Mr. Gonzalez, and on Respondent’s counsel, Mr. Martinez, at his law office in Brownsville, Texas. See Compl. 6.

If Respondent fails to file an answer and a response, the Court may find that Respondent has waived its right to appear and contest the allegations of the complaint. 28 C.F.R. § 68.9(b). The Court may then enter a default judgment. *Id.*

If Respondent fails to respond to the Court's orders, the Court will find that it has abandoned its request for hearing and dismiss its request pursuant to 28 C.F.R. § 68.37(b)(1). *See, e.g., United States v. Steidle Lawn & Landscape, LLC*, 17 OCAHO no. 1457c, 2 (2023) (finding that the respondent abandoned its request for a hearing when it failed to respond to the ALJ's orders). "A final order of dismissal based on abandonment is analogous to entry of a default judgment under the Federal Rules of Civil Procedure." *United States v. Vilardo Vineyards*, 11 OCAHO no. 1248, 4 (2015). "Abandonment will result in DHS's NIF becoming the final order." *United States v. DJ's Trans.*, 18 OCAHO no. 1488a, 5 (2024).

IV. ORDERS

IT IS ORDERED that, within twenty-one days of the date of this Order, Respondent, La Troje Bar and Grill, LLC, shall file a response with the Court in which it must provide facts sufficient to show good cause for its failure to timely answer the complaint in this case.

IT IS FURTHER ORDERED that, within twenty-one days of the date of this Order, Respondent shall file with the Court an answer to the complaint that comports with 28 C.F.R. § 68.9.

The Court puts Respondent on notice that its failure to file an answer and a response to this Notice and Order to Show Cause "may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint" and the Court may enter a default judgment against Respondent as to both liability and penalties. 28 C.F.R. § 68.9(b). If Respondent fails to respond to the Court's orders, the Court shall conclude that Respondent has abandoned its request for a hearing and issue an order of dismissal. *Id.* § 68.37(b). The NIF will be rendered the final agency order.

SO ORDERED.

Dated February 10, 2026.

Honorable Carol A. Bell
Acting Chief Administrative Law Judge