

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

February 18, 2026

ELMIRA MARTINEZ,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2025B00056
	)	
	)	
INFORMATION SYSTEMS &	)	
NETWORKS CORPORATION,	)	
Respondent.	)	
	)	

ORDER DIRECTING COMPLAINANT TO PROVIDE RESPONDENT ADDRESS
(SERVICE OF COMPLAINT)

I. PROCEDURAL HISTORY

On August 8, 2025, Complainant, Elmira Martinez, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Information Systems & Networks Corporation. The Complaint alleges that the Respondent discriminated against the Complainant in employment on the basis of citizenship status. Compl. 6.¹

On September 11, 2025, the Chief Administrative Hearing Officer sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the complaint, via USPS certified mail, to the address provided by Complainant. The NOCA informed Respondent that it had thirty days from the date it received the NOCA to file an answer to the complaint, and that failure to answer could result in a default judgment. Notice Case Assign. 3-4 (citing 28 C.F.R. §§ 68.3(b), 68.9).²

¹ The Court uses the PDF pagination for the Complaint, rather than pagination provided at the bottom of the Complaint form.

² OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024).

While the U.S. Postal Service’s website indicates the NOCA package was delivered to an individual in Bethesda, MD 20817, on September 15, 2025, the Court did not receive a return receipt confirming service upon Respondent. To date, Respondent has not filed an answer.

II. LAW & ANALYSIS

As the Court previously explained:

A unique aspect of OCAHO’s Rules of Practice and Procedure is that “[s]ervice of [the] complaint” and “notice of hearing . . . shall be made” by the Court. 28 C.F.R. § 68.3(a). The Court may accomplish service by one of three methods allowed by OCAHO’s Rules. 28 C.F.R. § 68.3(a)(1)-(3). Relevant to this case, OCAHO may effect service “[b]y mailing to the last known address of such individual, partner, officer, or attorney or representative of record.” 28 C.F.R. § 68.3(a)(3). For OCAHO to effect service, it is important that complainants abide by the requirement that the complaint “be accompanied by a statement identifying the party or parties to be served . . .” 28 C.F.R. § 68.7(b)(5). Under the OCAHO Rules of Practice and Procedure, to contest a material fact alleged in the complaint, a respondent must file an answer. 28 C.F.R. § 68.9(c). A respondent’s 30-day clock to file an answer begin upon service of the complaint. 28 C.F.R. § 68.9(a).

Wang v. Dropbox, Inc., 20 OCAHO no. 1605, 2 (2024).

Analogous to the facts presented in *Wang*, Complainant only provided a general address for the Respondent, without identifying a registered agent, officer, or director for the company. Consequently, “the ‘manner of service was not reasonably calculated to advise Respondent of a matter pending before it (e.g., to the mailroom of a multinational company, rather than directed to the attention of an officer, director, or registered agent of the company).’” *Wang* at 2; citing *Shater v. Shell Oil Co.*, 18 OCAHO no. 1504, 3 (2023). For these reasons, service was not perfected per OCAHO’s regulatory requirements.

When OCAHO “encounters difficulty with perfecting service,” it “may direct that a party execute service of process.” 28 C.F.R. § 68.3(c). Again, here, *Wang* is instructive:

OCAHO’s Rules do not specify the methods by which the party may execute service when OCAHO directs the party to do so. Because the “Federal Rules of Civil Procedure may be used” by the Court “as a general guideline in any situation not provided for or controlled by [OCAHO’s] rule,” the Court turns to Federal Rule 4(h) to clarify. 28 C.F.R. § 68.1. Rule 4(h), which addresses service on a corporation, partnership, or association, includes many of the same methods of service provided for by 28 C.F.R. § 68.3, including “delivering a copy of . . . the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process” Fed. R. Civ. P. 4(h)(1)(B). Service may also be effected by any method identified in Rule 4(e)(1),

which allows any method allowed by the state law of the state in which the district court is located or in which service is effected. Fed. R. Civ. P. 4(h)(1)(A), 4(e)(1).

Wang at 2.

According to the Complaint, the Respondent is located in Maryland. Compl. 4. Maryland's Rules of Civil Procedure ("Maryland Rules") allow service on a corporation "by serving its resident agent, president, secretary, or treasurer." Maryland Rule 2-124(d) (West 2004). If the corporation "has no resident agent or if a good faith attempt to serve the resident agent, president, secretary, or treasurer has failed, service may be made by serving the manager, any director, vice president, assistant secretary, assistant treasurer, or other person expressly or impliedly authorized to receive service of process." Maryland Rule 2-124(d) (West 2004).

The Complaint was deficient for failing to identify an officer, director, or registered agent for the Respondent business. 28 C.F.R. §§ 68.7(b)(2), 68.7(b)(5), 68.3(a)-(b). The Court now offers Complainant options for resolving the deficiency, to wit: Complainant may submit a supplement to the Complaint, identifying an officer, director, or registered agent, or stating that the address previously identified for the Respondent is incorrect and providing a working mailing address for Respondent. Alternatively, Complainant may request that the Court permit Complainant to serve Respondent. If the Complainant requests to effect service, service must be performed in a manner that satisfies Federal Rule of Civil Procedure 4(h). Finally, Complainant may instead request the Court permit an alternative form of service.³

Complainant must consider herself on notice that, in this forum, "[w]hen a complaint cannot be served, the case may be dismissed without prejudice." *US Tech Workers et al. v. Cast 21*, 19 OCAHO no. 1571, 2 (2024) (citing *Ramirez v. Sam's Club*, 18 OCAHO no. 1525, 2 (2024)); see also *Zajradhara v. Blossom Corp.*, 18 OCAHO no. 1523, 2 (2024), *United States v. DJ's Transport*, 18 OCAHO no. 1488, 5 (2023) ("Should service not be accomplished, the Court may consider dismissal sua sponte.").

Failure to respond to this Order as outlined above within 60 calendar days of issuance may result in dismissal without prejudice. See *Heath v. VBeyond Corp. & an Anon. Empl'r*, 14 OCAHO no. 1368a, 3-4 (2020).

SO ORDERED.

Dated and entered on February 18, 2026.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

³ Any submission must describe the proposed alternative form of service in detail, and offer an affidavit and argument demonstrating that no other form of service identified in the Federal Rules of Civil Procedure or OCAHO's Rules of Practice and Procedure would reasonably appraise Respondent of the pending action. See Md Code Ann., Cts. & Jud. Proc. § 6-301 (West 1989); Maryland Rule 2-121(d) (West 2004).