

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

ZAJI ZAJRADHARA,	)	
	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	
	)	OCAHO Case No. 2026B00025
ASIA PACIFIC HOLDINGS, INC.,	)	
	)	
Respondent.	)	
_____	)	

Appearances: Zaji Zajradhara, Complainant
Steven P. Pixley, 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. § 1324b. Complainant, Zaji Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 12, 2026. Complainant alleges that Respondent, Asia Pacific Holdings, Inc., refused to hire him based on his national origin and citizenship status, in violation of 8 U.S.C. § 1324b(a)(1), and retaliated against him, in violation of 8 U.S.C. § 1324b(a)(5). Compl. §§ 6–7. Complainant provided an address for Respondent in Saipan in the Northern Mariana Islands. *Id.* § 4.

On March 19, 2026, using the United States Postal Service’s (USPS) certified mail service, OCAHO mailed Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and the complaint (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 Hearings¹ and applicable case law. Notice of Case Assignment ¶ 2. The NOCA included links to OCAHO's Rules and its Practice Manual,² 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.* ¶ 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 that it was "picked up at the post office" on March 31, 2026. OCAHO also received a USPS return receipt for the delivery confirming a delivery date of March 31, 2026, with the printed name and signature of Frances Salas.

On April 15, 2026, Steven P. Pixley, Esq., filed a Notice of Appearance on behalf of Respondent.³ Also, on April 15, 2026, he filed Respondent's Motion to Dismiss.

II. NOTICE OF ELECTRONIC FILING THROUGH OCAHO PORTAL

OCAHO has implemented a web-based electronic filing system for cases filed with OCAHO under 8 U.S.C. §§ 1324a, 1324b, and 1324c, namely, the OCAHO Portal. The system is the result of a successful pilot program to test electronic filing by email, which launched in 2014 and was extended indefinitely in 2015. All litigants can use the OCAHO Portal for their cases for filing and receipt of decisions and orders.

¹ OCAHO's Rules of Practice and Procedure for Administrative Hearings are available in the Electronic Code of Federal Regulations. *See* <https://www.ecfr.gov/current/title-28/chapter-I/part-68>.

² The OCAHO Practice Manual, which is part of the EOIR Policy Manual, outlines the procedures and rules applicable to cases before OCAHO. It is likewise available on the United States Department of Justice's website. *See* <https://www.justice.gov/eoir/policy-manual-eoir/part-IV/ocaho>.

³ OCAHO's Rules of Practice and Procedure for Administrative Hearings require each attorney to file a notice of appearance. *See* 28 C.F.R. § 68.33(f). The notice of appearance filed by Steven P. Pixley comports with OCAHO's Rules as it is signed and identifies "the name of the case or controversy, the case number if assigned, and the party on whose behalf the appearance is made." *Id.* It also is accompanied by "a certification indicating that such notice was served on all parties of record." *Id.*

Use of the OCAHO Portal for all filings in OCAHO cases is mandatory for attorneys and authorized representatives. *See* 28 C.F.R. § 68.6(b)(1). Registration requires a valid email address for electronic service. *See id.* § 68.6(c)(3). A certificate of service is required on filings made through the Portal. *See id.* § 68.6(c)(1). Parties may register for the OCAHO Portal and log into their account to file by visiting the OCAHO filing page on the United States Department of Justice’s website: <https://ocaho.eoir.justice.gov/>. The parties should contact the technical support desk for the Executive Office for Immigration Review (EOIR) if they need assistance registering for the OCAHO Portal. Should the parties encounter difficulties viewing the Court’s orders and decisions through the OCAHO Portal, or need to confirm the Court’s receipt of a filing, they may contact OCAHO directly.

If both parties are filing through the OCAHO Portal, the Portal will effectuate service by providing notification of each filing to all parties via email. *See* 28 C.F.R. § 68.6(c)(1). The filing party must include a certificate of service for each filing stating that “all parties are using OCAHO’s electronic filing application and, therefore, no separate service was completed.” *Id.* If one party is not using the OCAHO Portal or if the Portal is unavailable, the parties shall serve their filings by one of the means specified in 28 C.F.R. § 68.6(c)(2).

Regardless of which filing method is used, the Court will accept courtesy copies of the parties’ filings by email to OCAHO.

III. REGULATORY AND LEGAL STANDARDS

OCAHO’s Rules of Practice and Procedure for Administrative Hearings, being the provisions contained in 28 C.F.R. part 68 (2026), 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).⁴

⁴ 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

OCAHO's Rules of Practice and Procedure for Administrative Hearings 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 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).

IV. DISCUSSION AND ANALYSIS

Using the address provided by Complainant, OCAHO sent—via the USPS certified mail—the Complaint package to Respondent at its business address. The USPS tracking information reflected that the complaint package was picked up on March 31, 2026. Further, OCAHO received a dated and signed USPS return receipt reflecting receipt on March 31, 2026, of the complaint package addressed to the Respondent-business. The Court therefore finds that OCAHO perfected service of the complaint package on Respondent on March 31, 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 March 31, 2026, the Court finds that Respondent's

United States Department of Justice's website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

answer was due no later than April 30, 2026. *See* 28 C.F.R. §§ 68.3(b), 68.9(a). Respondent, however, failed to file an answer to the complaint.

While Respondent filed a motion to dismiss within thirty days of its receipt of the complaint package, that motion is not a substitute for an answer which must meet the requirements of 28 C.F.R. § 68.9(c)(1)–(2). OCAHO’s Rules of Practice and Procedure for Administrative Hearings are clear that, “[t]he filing of a motion to dismiss does not affect the time period for filing an answer.” *Id.* § 68.10(a). In this way, OCAHO’s Rules differ from the Federal Rules of Civil Procedure which “may be used as a general guideline in any situation not provided for or controlled by these rules.” *Id.* § 68.1. “Under the Federal Rules of Civil Procedure, a motion to dismiss filed under Rule 12 tolls the responsive pleading deadline until the motion is decided.” *Ackermann v. Mindlance*, 17 OCAHO no. 1462a, 2 (2023) (citing Fed. R. Civ. P. 12(a)(4) (serving a motion under Rule 12 may alter the time to serve a responsive pleading), and then citing 5B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1346 (3d ed. 2022) (“Service of a motion permitted by Rule 12 also may enlarge the applicable period of time for serving an answer or other responsive pleading ...”)).

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 Administrative Law Judge shall determine whether the respondent has met the threshold for good cause. If the Administrative Law Judge determines that the Respondent possessed the requisite good cause for failing to file a timely answer, then the Administrative Law Judge may allow the Respondent to file a late answer.

Id. at 445–46.

This Court follows the same practice here where Respondent has filed a motion to dismiss, but not a timely answer to the complaint, and now issues this Notice and Order to Show Cause. *See, e.g., Heath v. Tringapps, Inc.*, 15 OCAHO no. 1410, 2 (2022) (citing *Ndzerre v. Wash. Metro. Area Transit Auth.*, 13 OCAHO no. 1306, 4–5 (2017) (requiring respondent to show good cause for failure to file answer despite filing motion to dismiss)).

The Court orders Respondent to file a response to this Notice and Order to Show Cause 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.

Respondent's response to the Notice and Order and Show Cause and its answer must be filed no later than twenty-one days from the date of this Order.⁵ 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.

If Respondent fails to file a response and an answer, 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.*

V. ORDERS

IT IS ORDERED that, within twenty-one days of the date of this Order, Respondent, Asia Pacific Holdings, Inc., 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.

⁵ Pleading are deemed filed when received by OCAHO or the assigned Administrative Law Judge. 28 C.F.R. § 68.8(b).

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).

SO ORDERED.

Dated June 3, 2026.

Honorable Carol A. Bell
Chief Administrative Law Judge