

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

August 7, 2026

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2026A00018
	)	
BRINKER INTERNATIONAL PAYROLL,	)	
COMPANY, D/B/A CHILI'S GRILL & BAR	)	
RESTAURANTS	)	
Respondent.	)	
	)	

Appearances: Amery Ewing Abercrombie, Esq., for Complainant
Amy L. Peck, Esq., and Kathryn J. Cheatle, Esq., for Respondent¹

ORDER GRANTING MOTION FOR CONTINUANCE

This case arises under arises under the employer sanction provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On February 23, 2026, Complainant, the United States Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging that Respondent Brinker International Payroll Company failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for six individuals (Count 1) and failed to properly complete the Form I-9 for 102 persons (Count 2), all in violation of 8 U.S.C. § 1324(a)(1)(B).

On July 22, 2026, the undersigned issued an order setting an initial prehearing conference for the purposes of setting deadlines and discovery limitations, to be held on August 24, 2026, at 3:00 P.M. Eastern Time.

On July 24, 2026, Respondent filed its Unopposed Motion to Continue Initial Prehearing Conference. In its motion, Respondent requested an amendment to the prehearing conference as a counsel of record has a pre-existing conflict on the scheduled date that cannot be avoided, despite

¹ On July 27th, 2026, Respondent Counsel David Calles Smith moved to withdraw himself as counsel of record. Counsel's motion is GRANTED; Mr. Calles Smith will no longer be listed as counsel in this matter.

reasonable efforts. Counsel asserts that they are unavailable through August 31, 2026, and requests a continuance of no more than two weeks from the original prehearing conference date.

Motions for continuances shall be in writing, served on all parties, and “shall only be granted in cases where the requester has a prior judicial commitment, or can demonstrate undue hardship, or a showing of other good cause.” See United States v. Fasakin, 14 OCAHO no.1375e, 2 (2022) (citing 28 C.F.R. § 68.27). Good cause is met when the party seeking an enlargement of time demonstrates good faith and has “some reasonable basis for noncompliance within the time specified in the rules.” Tingling v. City of Richmond, 13 OCAHO no.1324c, 2 (2021).

The Court finds that Respondent has established good cause for its motion for continuance. Respondent’s basis for the extension is reasonable: a counsel of record has as an unavoidable pre-existing conflict scheduled on the same date. Moreover, there is no prejudice to the Complainant, in that the motion is unopposed.

Accordingly, Respondent's motion is GRANTED. The initial prehearing conference will be held on **September 14, 2026, at 3:00 pm. ET**. The parties may join the conference by dialing: [x-xxx-xxx-xxxx], using the meeting number: [xxxx xxxx] and meeting password: [xxxx]

SO ORDERED.

Dated and entered on August 7, 2026

Honorable John A. Henderson
Administrative Law Judge