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ALJ's Penalty Assessment Need Not Be Disturbed If It Is Reasonable in Light of Statutory Factors

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Amended Order Does Not Toll Time Period for Filing Request for Review If Changes Are Only Clerical

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Brief Sent by Overnight Delivery on Due Date Must also be Faxed to be Considered Timely

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United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)
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United States v. Oscar Eduardo Villatoro-Guzman	4	OCAHO	652	(1994)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service	5	OCAHO	760	(1995)
United States v. Power Operating Company	3	OCAHO	561	(1993)

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United States v. Split Rail Fence Company, Inc.	10	OCAHO	1181	(2013)

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United States v. Charles C. W. Wu d/b/a Airport Budget Hotel	3	OCAHO	434	(1992)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	794	(1995)
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United States v. Coastal Transportation, Inc.	1	OCAHO	27	(1988)
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United States v. Corporate Loss Prevention Associates, Ltd.	6	OCAHO	908	(1997)
United States v. Danny Mathis d/b/a Mathis Maspory	4	OCAHO	717	(1995)
United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)

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Request for Review Filed After Ten-Day Deadline is Untimely Unless Equitable Tolling Applies

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)
United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 a (2015)

Request for Review Must Be Timely Filed and Served to Give Opposing Party Time to Respond

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 a (2015)

Requests for Review Must Be Filed and Served by Expedited Delivery Methods

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

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United States v. M & D Masonry 10 OCAHO 1215 (2014)

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United States v. Tenampa Ballroom 1 OCAHO 34 (1988)
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United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

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United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)

United States v. Dolly Boman Irani 6 OCAHO 860 (1996)

United States v. Four Star Knitting, Inc. 5 OCAHO 815 (1995)

United States v. Four Star Knitting, Inc. 6 OCAHO 868 (1996)

United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)

United States v. Kanon Associated Services, Inc. 5 OCAHO 800 (1995)

United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)

United States v. Orlando Diaz-Rosas 4 OCAHO 702 (1994)

United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)

United States v. Tempo Plastic Company, Inc. 8 OCAHO 1010 (1998)

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

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United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

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United States v. Ziagul Zekreya 4 OCAHO 683 (1994)

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United States v. Alberto Noriega-Perez 5 OCAHO 811 (1995)

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Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

AFFIRMATIVE DEFENSE(S)

Grandfathered Status Must Be Pleaded In the Answer or It Is Waived

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)

Impossibility Not Available As Defense When Destruction of I-9s Is Due To Employer's Own Actions

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Party Invoking Affirmative Defense Bears Burden to Come Forward With Facts to Establish It

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn 3 OCAHO 584 (1993)

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United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)

United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 123 (1990)

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United States v. L&M Tire Company, Inc.	1	OCAHO	134	(1990)
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Government Bears Burden of Proving Penalty and Aggravating Factors by Preponderance of Evidence

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Government Bears the Burden of Proof for Liability and Penalty

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Government Bears the Burden of Proving Liability and Penalty By a Preponderance of the Evidence

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Government Met Burden of Proving Unauthorized Status of Some Employees

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Government Must Prove Aggravating Factor by Preponderance of Evidence

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In Considering Non-Statutory Factor, Facts Must Support Favorable Exercise of Discretion

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Party Moving for Summary Decision Must Show There Is No Genuine Issue of Material Fact

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Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

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United States v. Walia's, Inc. d/b/a Walia's Restaurant 1 OCAHO 122 (1990)

United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)

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United States v. New El Rey Sausage Company 1 OCAHO 78 (1989)

United States v. The Body Shop 1 OCAHO 149 (1990)

United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)

CIVIL MONEY PENALTY

Ability to Pay May Be Appropriate Factor to Consider In Assessing the Amount of the Penalty

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Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

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United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)
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Government Must Prove Existence of Aggravation Factor by Preponderance of Evidence
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ALJ Can Consider Public Policy of Leniency to Small Entities
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United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

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ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

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ALJ Considers Five Statutory Factors Set Out in 8 U.S.C. Section 1324a(e)(5) In Assessing the Penalty

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ALJ Erred in Reducing Fine to Minimum Bases on Erroneous Assumption of Government Overreach

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)
ALJ has Discretion to Adopt ICE's Proposed Penalty Where it is Proportionate and Suitable

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ALJ In 1324b Case Looks At Nature and Circumstances of Violation and Respondent's Conduct During Case

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ALJ Not Bound by ICE's Method of Calculating Penalties

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ALJ Not Required to Make Individualized Findings Regarding Each Violation

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An Employer Demonstrates Bad Faith by Paying Unauthorized Workers in Cash Under the Table

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Applicable Penalty Range Depends on Date of Violations and Date of Assessment of Penalty

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Assessment of Penalty Greater Than Requested

United States v. Aid Maintenance Company, Inc. 8 OCAHO 1023 (1999)
Bad Faith Found Where Employer Appeared to Intentionally Subvert Purposes of Section 1324a(b)

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Bad Faith Requires a Showing of Culpable Conduct Beyond Respondent's Verification Failures

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Certain Statutory Factors May Be More Compelling Than Others in the Context of a Specific Case

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Change of Corporate Ownership After a Violation Does Not Affect History of Violations Factor

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Company Tax Losses Do Not Necessarily Establish Poor Financial Condition or Inability To Pay

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Culpable Conduct Can Be Shown by Evidence that Employer Tried to Mislead Government

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Employer Knowledge of Employee's Unauthorized Status Not Necessary to Enhance Fine

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Employer's Previous Receipt of a Warning Notice Does Not Constitute History of Previous Violations

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Enhancement Factor Based on Whether Specific Individual was Unauthorized

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Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

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United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Excessive Fines Clause of Eighth Amendment Applies to Fines That Are Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Excessive Money Penalties

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. La Hacienda Mexican Café 10 OCAHO 1167 (2013)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)
United States v. Pedro Dominguez 6 OCAHO 878 (1996)
United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)
United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1195 (2013)

Excessiveness Determined Relative to Characteristics of Offense, Not Offender

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

Factors

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)

United States v. Fortune East Fashion, Inc. 7 OCAHO 992 (1998)
United States v. New China Buffet Restaurant 10 OCAHO 1132 (2010)
United States v. Pedro Dominguez 8 OCAHO 1000 (1998)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 958 (1997)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)

Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Prepare I-9 More Serious Than Paperwork Violations

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Failure to Present I-9 Forms Due to Loss Is Still a Serious Violation

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Properly Complete I-9 Less Serious Than Failure to Prepare or Present I-9

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Show That Certain Individuals Were Unauthorized Does Not Require Mitigation

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Failure to Timely Prepare Form I-9 Is A Serious Violation

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Generally

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company 10 OCAHO 1141 (2011)

United States v. A-Plus Roofing, Inc. 1 OCAHO 209 (1990)

United States v. Applied Computer Technology 2 OCAHO 367 (1991)

United States v. Armando Alvarez-Suarez 6 OCAHO 862 (1996)

United States v. Big Bear Market 1 OCAHO 48 (1989)

United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)

United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)

United States v. Busy Corner Sportswear, Inc. 3 OCAHO 511 (1993)

United States v. Camidor Properties, Inc. 1 OCAHO 299 (1991)

United States v. Carlos Cruz d/b/a La Rosa Bakery 3 OCAHO 453 (1992)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 794 (1995)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 803 (1995)

United States v. Chuy's Paint & Body Shop 1 OCAHO 19 (1988)

United States v. Citizen's Utilities Company, Inc., Telephone Division 1 OCAHO 109 (1989)

United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 67 (1989)

United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 123 (1990)

United States v. Continental Sports Corporation 5 OCAHO 799 (1995)

United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. Danny Mathis d/b/a Mathis Maspory 5 OCAHO 752 (1995)

United States v. David Day d/b/a David Day Masonry 3 OCAHO 575 (1993)

United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)

United States v. Diamond Construction, Inc. 3 OCAHO 451 (1992)

United States v. Dodge Printing Centers, Inc.	1	OCAHO	125	(1990)
United States v. Dr. Merrill Cahn, D.P.M.	1	OCAHO	127	(1990)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. El Azteca Dunkirk, Inc.	10	OCAHO	1172	(2013)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Felipe, Inc.	1	OCAHO	108	(1989)
United States v. Galilee Fashions, Inc.	4	OCAHO	697	(1994)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
United States v. Gloria Fashions, Inc.	6	OCAHO	887	(1996)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5	OCAHO	756	(1995)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. Jesus Satarain, Individually	3	OCAHO	557	(1993)
United States v. Jimmy Bai Huang d/b/a Great Wall Chinese Restaurant	1	OCAHO	300	(1991)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	512	(1993)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. La Casona d/b/a La Casona Mexican Restaurant	4	OCAHO	712	(1994)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1	OCAHO	45	(1989)

United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Mester Manufacturing Company	1	OCAHO	18	(1988)
United States v. Minaco Fashions, Inc.	3	OCAHO	552	(1993)
United States v. Monfort, Inc.	4	OCAHO	597	(1994)
United States v. Nancy Mubarki	5	OCAHO	816	(1995)
United States v. Neighbors of Hawaii d/b/a Tower of Power	1	OCAHO	262	(1990)
United States v. New China Buffet Restaurant	10	OCAHO	1132	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	319	(1991)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Onion River Sports, Inc.	4	OCAHO	673	(1994)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. Pedro Dominguez	7	OCAHO	972	(1997)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Robert Griffin d/b/a Griff's Landscape	1	OCAHO	50	(1989)
United States v. Robison Fruit Ranch, Inc.	6	OCAHO	855	(1996)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. San Ysidro Ranch	1	OCAHO	183	(1990)
United States v. Satarain, Individually	3	OCAHO	557	(1993)
United States v. SDI Industries, Inc.	3	OCAHO	465	(1992)
United States v. Sea Pine Inn, Inc. t/a Sea Pine Inn	1	OCAHO	873	(1989)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. Snack Attack Deli, Inc.	10	OCAHO	1137	(2010)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)
United States v. The Beverly Center 5 OCAHO 762 (1995)
United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben 1 OCAHO 191 (1990)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant 3 OCAHO 445 (1992)
United States v. Tuttle's Design Build, Inc. 3 OCAHO 422 (1992)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 449 (1992)
United States v. Visit USA Bureau - San Francisco, Inc. 1 OCAHO 155 (1990)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)
United States v. Wood 'N Stuff 3 OCAHO 574 (1993)

Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

Good Faith Compliance

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company 10 OCAHO 1141 (2011)
United States v. Four Seasons Earthworks, Inc. 10 OCAHO 1150 (2012)
United States v. Ketchikan Drywall Services, Inc. 10 OCAHO 1139 (2011)

Good Faith Defense

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	758	(1995)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
United States v. Danny Mathis d/b/a Mathis Maspory	4	OCAHO	717	(1994)
United States v. Danny Mathis d/b/a Mathis Maspory	5	OCAHO	752	(1995)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. Karnival Fashion, Inc.	5	OCAHO	783	(1995)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5	OCAHO	819	(1995)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6	OCAHO	865	(1996)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Mesabi Bituminous, Inc.	5	OCAHO	801	(1995)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
United States v. Pegasus Restaurant, Inc.	10	OCAHO	1143	(2012)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5	OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
United States v. Tri-Component Product Corporation	6	OCAHO	853	(1996)
United States v. Vogue Pleating, Stitching & Embroidery Corporation	5	OCAHO	782	(1995)

United States v. Williams Produce, Inc. 5 OCAHO 730 (1995)

Government Bears Burden of Proving Penalty and Aggravating Factors by Preponderance of Evidence

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

Government Bears the Burden of Proof for Liability and Penalty

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

Government Bears the Burden of Proof on Penalty and Aggravating Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
Government Must Prove Aggravating Factor by Preponderance of Evidence

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)
United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)
Government Has Burden of Proof by Preponderance of Evidence
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
High Noncompliance Rate Insufficient to Justify Higher Penalty for Similar Situations

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

ICE Guidelines

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)

If 5 Factors Considered, Statute Neither Mandates Nor Precludes Mathematical Formula to Set Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Illegal Alien(s)

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company 10 OCAHO 1141 (2011)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 794 (1995)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 803 (1995)
United States v. Fortune East Fashion, Inc. 7 OCAHO 992 (1998)
United States v. Four Star Knitting, Inc. 6 OCAHO 868 (1996)
United States v. Giamblis Enterprises 6 OCAHO 834 (1996)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
United States v. Tri-Component Product Corporation 6 OCAHO 853 (1996)

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United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)
United States v. Pedro Dominguez 8 OCAHO 1000 (1998)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
United States v. Williams Produce, Inc. 5 OCAHO 730 (1995)

Instruction Given to Respondent to Refrain from Backdating Put Respondent on Notice of Prohibition

United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)

Knowing Hire

United States v. Occupational Resource Management, Inc. 10 OCAHO 1166 (2013)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

Knowing Hire Violations Are Far More Serious Than Any Paperwork Violations

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Lack of History of Previous Violations Does Not Require the ALJ to Mitigate Civil Penalty

United States v. 3679 Commerce Place, Inc.	12	OCAHO	1296	(2017)
United States v. Cawoods Produce, Inc.	12	OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Executive Cleaning Services of Long Island, Ltd.	13	OCAHO	1314	(2018)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12	OCAHO	1271 b	(2016)
United States v. Integrity Concrete, Inc. and American Concrete, Inc.	13	OCAHO	1307	(2017)
United States v. International Packaging, Inc.	12	OCAHO	1275	(2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga	12	OCAHO	1286	(2016)
United States v. Pegasus Family Restaurant, Inc.	12	OCAHO	1293	(2016)
United States v. Romans Racing Stables, Inc.	11	OCAHO	1232	(2014)
United States v. Solutions Group International, LLC	12	OCAHO	1288	(2016)
United States v. St. Croix Personnel Services, Inc.	12	OCAHO	1289	(2016)
United States v. The Red Coach Restaurant, Inc.	10	OCAHO	1200	(2013)

Leniency Toward Small Entities

United States v. Clean Sweep Janitor Service	11	OCAHO	1226	(2014)
United States v. Crescent City Meat Company, Inc.	11	OCAHO	1223	(2014)
United States v. Kenneth McPeek Racing Stables, Inc.	11	OCAHO	1249	(2015)
United States v. Mr. Mike's Pizza, Inc.	10	OCAHO	1196	(2013)
United States v. New Outlook Homecare, LLC	10	OCAHO	1210	(2014)

Mitigation

United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing	3	OCAHO	494	(1993)
United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)

United States v. American McNair, Inc.	1	OCAHO	285	(1991)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	758	(1995)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3	OCAHO	462	(1992)
United States v. Applied Computer Technology	2	OCAHO	367	(1991)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	200	(1990)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
United States v. Big Bear Market	1	OCAHO	48	(1989)
United States v. Boo Bears Den	1	OCAHO	71	(1989)
United States v. Broadway Tire, Inc.	1	OCAHO	226	(1990)
United States v. Broadway Tire, Inc.	2	OCAHO	310	(1991)
United States v. Business Teleconsultants, Ltd.	3	OCAHO	536	(1993)
United States v. Business Teleconsultants, Ltd.	3	OCAHO	565	(1993)
United States v. Busy Corner Sportswear, Inc.	3	OCAHO	511	(1993)
United States v. Cafe Camino Real, Inc.	2	OCAHO	307	(1991)
United States v. Camidor Properties, Inc.	1	OCAHO	299	(1991)
United States v. Carlos Cruz d/b/a La Rosa Bakery	3	OCAHO	453	(1992)
United States v. Central Nebraska Packing, Inc.	4	OCAHO	714	(1994)
United States v. Charles C. W. Wu d/b/a Airport Budget Hotel	3	OCAHO	434	(1992)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	369	(1991)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	803	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	67	(1989)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Danny Mathis d/b/a Mathis Maspory	4	OCAHO	717	(1994)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)

United States v. Dodge Printing Centers, Inc.	1	OCAHO	125	(1990)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. El Centenario, Inc. d/b/a Las Margaritas III	1	OCAHO	246	(1988)
United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
United States v. Enrique Reyes d/b/a King's Produce	4	OCAHO	592	(1994)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Exim, Inc. and Jaime Monardes, Individually	4	OCAHO	604	(1994)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	6	OCAHO	834	(1996)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Great Bend Packing Company	6	OCAHO	835	(1996)
United States v. GRS, Inc. d/b/a Gasket Engineering	4	OCAHO	627	(1994)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. H&H Saguaro Specialists	10	OCAHO	1147	(2012)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5	OCAHO	756	(1995)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1	OCAHO	195	(1990)
United States v. Jimmy Bai Huang d/b/a Great Wall Chinese Restaurant	1	OCAHO	300	(1991)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	2	OCAHO	394	(1990)

United States v. John W. Guewell & Alfred P. Cooper d/b/a Wagco Security Services	3	OCAHO	478	(1992)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	512	(1993)
United States v. Joo Hyun Y and Hyung Jin Cho d/b/a LA Connection	3	OCAHO	403	(1992)
United States v. Juan V. Acevedo	1	OCAHO	95	(1989)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5	OCAHO	819	(1995)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	246	(1988)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	24	(1988)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)
United States v. LeMerengo/Rumors Restaurant	1	OCAHO	157	(1990)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	166	(1990)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Masoud Pour d/b/a La Plaza Restaurant	1	OCAHO	164	(1990)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1	OCAHO	154	(1990)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. Morgan's Mexican & Lebanese Foods, Inc.	8	OCAHO	1013	(1998)
United States v. Mourad Abu Remileh	6	OCAHO	825	(1995)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. New China Buffet Restaurant	10	OCAHO	1132	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	4	OCAHO	652	(1994)
United States v. Park Sunset Hotel	3	OCAHO	525	(1993)

United States v. Pedro Dominguez	8	OCAHO	1000	(1998)
United States v. Pegasus Restaurant, Inc.	10	OCAHO	1143	(2012)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Ramon Yamamoto d/b/a Elvis Palace Restaurant	3	OCAHO	424	(1992)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	4	OCAHO	637	(1994)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
United States v. Richard Pizzuto Dimensions in Hair and Skin	3	OCAHO	447	(1992)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Robert Griffin d/b/a Griff's Landscape	1	OCAHO	50	(1989)
United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)
United States v. Roberto C. Davila	7	OCAHO	936	(1997)
United States v. Ron Eagley d/b/a Gwennie's Old Alaska Restaurant	3	OCAHO	435	(1992)
United States v. Rosario Cuevas d/b/a El Pollo Real	1	OCAHO	273	(1990)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Saeed Rahimzadeh Corporation	3	OCAHO	551	(1993)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5	OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
United States v. The Body Shop	1	OCAHO	185	(1990)
United States v. Thomas R. Heisler, Individually and d/b/a The Playground Bar	1	OCAHO	150	(1990)
United States v. Tri-Component Product Corporation	6	OCAHO	853	(1996)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	449	(1992)

United States v. USA Café 1 OCAHO 42 (1989)
United States v. Williams Produce, Inc. 5 OCAHO 730 (1995)
United States v. Wood 'N Stuff 3 OCAHO 574 (1993)
No Deterrent Effect When Employer Is No Longer in Business

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Notices of Discrepancies or Suspect Documents Do Not Alone Prove Employee Is Unauthorized

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
OCAHO ALJs May Review Penalty Assessments De Novo

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

OCAHO Has No Authority to Dictate Methods Other Agency Uses to Assess Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

OCAHO May Examine ICE Fine de novo

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Offender's Resources Not Required Consideration In Assessing Penalty

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

Paperwork Violation Penalties Are Prophylactic and Corrective, Not Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Pattern or Practice

United States v. Pancho's Mexican Buffet, Inc. 4 OCAHO 632 (1994)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
United States v. Symmetric Solutions, Incorporated d/b/a Minerva Indian Cuisine 10 OCAHO 1209 (2014)

Penalties Should Deter Future Violations Without Being Unduly Punitive

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Penalties Should Have a Deterrent Effect and Not Be Merely a Cost of Doing Business

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Penalties Should Not Be Disproportionate to Employer's Revenue

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

Penalties Should Promote Future Compliance Without Being Unduly Punitive

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Penalty is Excessive When it is Disproportionate to the Gravity of the Offense

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)

Penalty Within Statutory Range Presumed Valid Under Eighth Amendment Excessive Fines Clause

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Person or Entity

Definition

United States v. Furr's/Bishop's Cafeterias d/b/a Furr's Cafeterias 2 OCAHO 330 (1991)

Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)

Previous Violation(s)

United States v. Draper-King Cole, Inc. 7 OCAHO 933 (1997)

Principal Goal Is To Enhance Probability of Future Compliance

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Prophylactic Purpose Best Served When Penalty Is Significant Enough to Prompt Change of Behavior

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Proportionality is Critical in Setting Penalties

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)

United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)

United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

Proportionality of Fine Judged Relative to Gravity of Violations and Size of Business

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Purpose is to Deter Repeat Violations and Encourage Others to Comply

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Reasonable

United States v. Silverado Stages, Inc. 10 OCAHO 1182 (2013)

Reasonableness Based On Record As Whole and Statutory Factors in Particular

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Referring to Discrepancies or Suspect Documents Does Not Alone Prove Employee is Unauthorized

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Seriousness of Violation Depends on Degree of Deviation From Verification Requirements

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Seriousness of Violation Evaluated on Continuum Because Not All Violations Are Equally Serious

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11	OCAHO	1258	(2015)
United States v. Horno MSJ, Ltd., Company	11	OCAHO	1247	(2015)
United States v. Ideal Transportation Co., Inc.	12	OCAHO	1290	(2016)
United States v. International Packaging, Inc.	12	OCAHO	1275	(2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga	12	OCAHO	1286	(2016)
United States v. Mott Thoroughbred Stables, Inc.	11	OCAHO	1233	(2014)
United States v. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)
United States v. Niche, Inc.	11	OCAHO	1250	(2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11	OCAHO	1253	(2015)
United States v. Romans Racing Stables, Inc.	11	OCAHO	1230	(2014)
United States v. Safe-Air of Illinois, Inc.	12	OCAHO	1270	(2016)
United States v. Senox Corporation	11	OCAHO	1219	(2014)
United States v. SKZ Harvesting, Inc.	11	OCAHO	1266	(2016)
United States v. Solutions Group International, LLC	12	OCAHO	1288	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11	OCAHO	1243	(2015)

Seriousness of Violation(s)

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	794	(1995)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. El Paso Hospitality, Inc.	5	OCAHO	737	(1995)
United States v. Fortune East Fashion, Inc.	7	OCAHO	992	(1998)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Golf International d/b/a Desert Canyon Golf	11	OCAHO	1222	(2014)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)

United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)
United States v. Occupational Resource Management, Inc. 10 OCAHO 1166 (2013)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 958 (1997)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)
Failure to Complete I-9 prior to Notice of Inspection
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)
Should Deter Future Violations Without Being Unduly Punitive

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Burden Is On The Defaulting Party to Show That Relief Should Be Granted

M.S v. Dave S.B. Hoon - John Wayne Cancer Institute 12 OCAHO 1305 (2017)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Default for Failure to File an Answer Must Be Excused Before Party is Permitted to Answer

M.S v. Dave S.B. Hoon - John Wayne Cancer Institute 12 OCAHO 1305 (2017)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Party That Fails to Timely Answer a Complaint is in Default

M.S v. Dave S.B. Hoon - John Wayne Cancer Institute 12 OCAHO 1305 (2017)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

DEFAULT JUDGMENT(S)

Answer

United States v. A & A Maintenance Enterprise, Inc.	6	OCAHO	852	(1996)
United States v. Abel Galvez-Malgarejo	4	OCAHO	684	(1994)
United States v. Ambrocio Morales-Guzman	5	OCAHO	787	(1995)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio	4	OCAHO	719	(1994)
United States v. Chuy's Paint & Body Shop	1	OCAHO	8	(1988)
United States v. Columbia Sportswear Manufacturers, Inc.	5	OCAHO	808	(1995)
United States v. Continental Forestry Service	6	OCAHO	836	(1996)
United States v. Continental Sports Corporation	4	OCAHO	640	(1994)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5	OCAHO	789	(1995)
United States v. Green Plaza, Inc.	4	OCAHO	618	(1994)
United States v. Midtown Fashion, Inc.	4	OCAHO	665	(1994)
United States v. U.S. Style, Inc.	6	OCAHO	827	(1995)

Default Judgment May Be Set Aside If Default Based on Mistake, Inadvertence or Excusable Neglect

United States v. Vilardo Vineyards	11	OCAHO	1248	(2015)

Default Judgments Are Not Favored in this Forum

M.S v. Dave S.B. Hoon - John Wayne Cancer Institute	12	OCAHO	1305	(2017)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC	11	OCAHO	1265	(2015)

Dismissal

LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
Sanford J. Strauss v. Rite Aid Corporation	4	OCAHO	721	(1994)

Equitable Tolling

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)
Failure to File a Timely Answer May Result in Entry of Default Judgment

M.S v. Dave S.B. Hoon - John Wayne Cancer Institute 12 OCAHO 1305 (2017)
Final Order of Dismissal Based on Abandonment Analogous to Entry of Default Judgment

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)
Generally

Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)
Coraizaca v. Yesterday's Restaurant 2 OCAHO 304 (1991)
D'Amico v. Erie Community College 7 OCAHO 927 (1997)
Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche 1 OCAHO 258 (1990)
Frank Farzin Nickman v. Mesa Air Group 9 OCAHO 1106 (2004)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 136 (1990)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)
Jairo Diaz v. Canteen Corporation 2 OCAHO 332 (1991)
Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 322 (1991)
Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Stephen A. Lewis v. Ogden Services 2 OCAHO 375 (1991)
Thereza A. Freeman v. Mexico Studio Owners 1 OCAHO 291 (1991)
Troncoso v. Ferlin Service Industries 1 OCAHO 110 (1989)
Tyrone Robinson v. New York State Family Court 5 OCAHO 814 (1995)
United States v. Abel Galvez-Malgarejo 4 OCAHO 684 (1994)
United States v. Ambrocio Morales-Guzman 5 OCAHO 787 (1995)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd. 3 OCAHO 454 (1992)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd. 3 OCAHO 462 (1992)
United States v. Bubble Fashions Company, Inc. d/b/a Hi-Tide Fashions 2 OCAHO 355 (1991)

United States v. Carlos Antonio Aquino	5	OCAHO	818	(1995)
United States v. Carlos Cruz d/b/a La Rosa Bakery	3	OCAHO	453	(1992)
United States v. Casa Lupe	1	OCAHO	31	(1988)
United States v. Claude H. Linkous & Martin Riley d/b/a CM Health Services	3	OCAHO	436	(1992)
United States v. Coastal Ventures, Limited d/b/a Wendy's/Daly, Limited	1	OCAHO	21	(1988)
United States v. Coastal Ventures, Limited d/b/a Wendy's/Daly, Limited	1	OCAHO	23	(1988)
United States v. Continental Forestry Service	6	OCAHO	836	(1996)
United States v. DAR Distributing, Inc. d/b/a DAR Cabinets	1	OCAHO	60	(1989)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5	OCAHO	789	(1995)
United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor	1	OCAHO	81	(1989)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. Dubois Farms, Inc.	1	OCAHO	225	(1990)
United States v. Dynasty 21 Car Wash, Inc.	1	OCAHO	282	(1990)
United States v. Edith Fine	1	OCAHO	116	(1989)
United States v. Educational Employment Enterprise	1	OCAHO	257	(1990)
United States v. Educational Employment Enterprise	1	OCAHO	283	(1991)
United States v. El Mexicano Taco Shop	1	OCAHO	59	(1989)
United States v. Elena Finishing, Inc.	1	OCAHO	132	(1990)
United States v. Estela Rodriguez, Individually and d/b/a Cabaret Lounge	1	OCAHO	20	(1988)
United States v. Fancy That, Inc. and New Fancy That, Inc. d/b/a The Great Alaskan Bush Company	3	OCAHO	446	(1992)
United States v. Florencio Govea	1	OCAHO	40	(1989)
United States v. Francois Kissel, Owner d/b/a Maximilien-In-the-Market	1	OCAHO	61	(1989)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. Gus and Candy Kirk d/b/a Kirk Enterprises	1	OCAHO	72	(1989)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	681	(1994)
United States v. Hotel Valet, Inc. d/b/a New York Valet	6	OCAHO	849	(1996)
United States v. I.K.K. Associates, Inc. d/b/a Ocean Avenue Restaurant and Japan Express Restaurants	1	OCAHO	131	(1990)

United States v. Irma Hernandez	8	OCAHO	1043	(2000)
United States v. Jabil Circuit, Inc.	10	OCAHO	1146	(2012)
United States v. Jackson Associates, Engineering Consultants	1	OCAHO	84	(1989)
United States v. John Morales d/b/a Riverside Insulation	1	OCAHO	197	(1990)
United States v. K & M Fashions, Inc.	3	OCAHO	411	(1992)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. Koamerican Trading Corporation	1	OCAHO	90	(1989)
United States v. Lawrence H. Harrold d/b/a Diamond Pallet Company	1	OCAHO	114	(1989)
United States v. Lea's Party Rentals, Inc.	1	OCAHO	111	(1989)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1	OCAHO	45	(1989)
United States v. Manuel Medina, Jr., Individually d/b/a The Montana Hideaway	3	OCAHO	485	(1993)
United States v. Minaco Fashions, Inc.	3	OCAHO	534	(1993)
United States v. Mireya Pedraza-Guzman	5	OCAHO	792	(1995)
United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3	OCAHO	473	(1992)
United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3	OCAHO	486	(1993)
United States v. Moses Sportswear, Inc.	6	OCAHO	841	(1996)
United States v. Mr. Pablo Saucedo	1	OCAHO	41	(1989)
United States v. Nogales Body Shop & Trailer Repair	1	OCAHO	30	(1988)
United States v. Nu Line Fashions, Inc.	1	OCAHO	147	(1990)
United States v. Patricio Torres, Individually and d/b/a Superior Roof Services	1	OCAHO	75	(1989)
United States v. Peter P. Kelley	1	OCAHO	39	(1989)
United States v. Prime Landscape Management, Inc.	1	OCAHO	204	(1990)
United States v. Raul Ramirez d/b/a Solymar Fashion	1	OCAHO	168	(1990)
United States v. Richard Garza, Individually and d/b/a El Patio Restaurant and Lounge	1	OCAHO	211	(1990)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1	OCAHO	163	(1990)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1	OCAHO	201	(1990)
United States v. Rodeo Night Club	5	OCAHO	812	(1995)
United States v. Shine Auto Service	1	OCAHO	70	(1989)

United States v. Silvio Vasquez-Guerrero d/b/a The Vasquez Company 1 OCAHO 37 (1988)
United States v. South Bay Auto Detail 1 OCAHO 68 (1989)
United States v. Spartan Brands, Inc. a/k/a Longwood Manufacturing, Inc. 5 OCAHO 749 (1995)
United States v. Tenampa Ballroom 1 OCAHO 34 (1988)
United States v. Tiki Pools, Inc. d/b/a California Pools and Spa 1 OCAHO 76 (1989)
United States v. Twiggy's Garden Center, Inc. d/b/a Westchester Site Design 2 OCAHO 301 (1991)
United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 57 (1989)
United States v. Westco Ground Maintenance Company, Inc. 1 OCAHO 43 (1989)
United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels 4 OCAHO 634 (1994)
United States v. William L. Garcia d/b/a La Buena, Inc. 7 OCAHO 950 (1997)
United States v. Zeferino Castillo, Individually 3 OCAHO 505 (1993)
United States v. Zoeb Enterprises, Inc. d/b/a Papa Sam's Deli d/b/a Papaya Paradise 2 OCAHO 356 (1991)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Judgments By Default Are Generally Disfavored

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Persons Protected

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Pro Se

United States v. Alliance Construction, Inc. 7 OCAHO 983 (1998)

Relief From Final Order of Dismissal My Be Granted If Party Is Blameless for the Default

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Setting Aside Order

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

United States v. Monica Zapata-Cosio 4 OCAHO 685 (1994)

Meritorious Defense(s)

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

Prejudice

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

Statute of Limitations

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

DEFENSE(S)

Acting Lawfully Under a Law

Ahmad S. Elhajomar v. City and County of Honolulu 1 OCAHO 246 (1990)

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Acting Lawfully Under a Regulation

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)

Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)

Irma Leticia Sosa v. United States Postal Service 1 OCAHO 115 (1989)

Olimpia Tovar v. United States Postal Service 1 OCAHO 269 (1990)

United States v. Southwest Marine Corporation, a California Corporation 3 OCAHO 429 (1992)

Affirmation(s)

United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)

Affirmative Defense(s)

Albert Gimein v. Department of Defense & Grumman Aerospace Corporation 3 OCAHO 503 (1993)

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)

Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	635	(1994)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3	OCAHO	550	(1993)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10	OCAHO	1126	(2008)
Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm	9	OCAHO	1115	(2005)
United States v. A & A Maintenance Enterprise, Inc.	6	OCAHO	852	(1996)
United States v. Aid Maintenance Company, Inc.	6	OCAHO	893	(1996)
United States v. Alberta Sosa, Inc.	4	OCAHO	720	(1994)
United States v. Alberta Sosa, Inc.	5	OCAHO	739	(1995)
United States v. Alvand, Inc. d/b/a 410 Diner	1	OCAHO	296	(1991)
United States v. Alvand, Inc. d/b/a 410 Diner	2	OCAHO	352	(1991)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Applied Computer Technology	2	OCAHO	306	(1991)
United States v. Armando Alvarez-Suarez	4	OCAHO	655	(1994)
United States v. Barnett Taylor, LLC, d/b/a Burger King	10	OCAHO	1155	(2012)
United States v. Boah Fashion, Corporation	1	OCAHO	281	(1990)
United States v. Broadway Tire, Inc.	1	OCAHO	226	(1990)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1	OCAHO	151	(1990)
United States v. Central Nebraska Packing, Inc.	4	OCAHO	714	(1994)
United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant	5	OCAHO	723	(1995)
United States v. Chicken By Chickadee Farms, Inc.	3	OCAHO	423	(1992)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Christie Automotive Products	2	OCAHO	361	(1991)
United States v. Cindy L. Golchuk d/b/a Rancho Sierra Drywall	2	OCAHO	353	(1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. David Jenkins	4	OCAHO	649	(1994)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. David Segura-Sataray	4	OCAHO	703	(1994)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)

United States v. Diamond Construction, Inc.	3	OCAHO	456	(1992)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Dolly Boman Irani	6	OCAHO	860	(1996)
United States v. Dubois Farms, Inc.	1	OCAHO	242	(1990)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	387	(1991)
United States v. Enrique Reyes d/b/a King's Produce	4	OCAHO	592	(1994)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Fairfield Jersey, Inc.	9	OCAHO	1072	(2001)
United States v. Felipe De Leon-Valenzuela	6	OCAHO	866	(1996)
United States v. Felipe De Leon-Valenzuela	6	OCAHO	899	(1996)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Gregorio Alabada Makilan	4	OCAHO	610	(1994)
United States v. Harris Ranch Beef Company	2	OCAHO	331	(1991)
United States v. Harris Ranch Beef Company	2	OCAHO	333	(1991)
United States v. Harris Ranch Beef Company	2	OCAHO	338	(1991)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	670	(1994)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)
United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. Israel Velasquez-Tabir	6	OCAHO	872	(1996)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	298	(1991)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	1	OCAHO	218	(1990)
United States v. Julio Carpio-Lingan	6	OCAHO	871	(1996)
United States v. Kaday Musu Thoronka	5	OCAHO	772	(1995)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	212	(1990)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)

United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. MAC Specialties Ltd.	6	OCAHO	920	(1997)
United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Martin Palominos-Talavera	6	OCAHO	896	(1996)
United States v. Martina Limon-Perez	5	OCAHO	796	(1995)
United States v. Mourad Abu Remileh	4	OCAHO	706	(1994)
United States v. Mourad Abu Remileh	5	OCAHO	724	(1995)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	463	(1992)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Northern Michigan Fruit Company	4	OCAHO	667	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	3	OCAHO	540	(1993)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1040	(2000)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)
United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash	1	OCAHO	98	(1989)
United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn	3	OCAHO	584	(1993)
United States v. Solutions Group International, LLC	12	OCAHO	1288	(2016)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	533	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	563	(1993)
United States v. The Grower's Company, Inc. d/b/a Harvest Management, Inc.	2	OCAHO	346	(1991)
United States v. Thomas R. Heisler, Individually and d/b/a The Playground Bar	1	OCAHO	150	(1990)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. U.S. Style, Inc.	5	OCAHO	793	(1995)

United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)
United States v. William and Maria Sievert 1 OCAHO 294 (1991)
United States v. Williams Produce, Inc. 4 OCAHO 671 (1994)
United States v. WSC Plumbing, Inc. 9 OCAHO 1062 (2000)
United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)
After-Acquired Information

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)
Citizen v. Non-Citizen Only Where Equally Qualified

United States v. Mesa Airlines 1 OCAHO 74 (1989)
Civil Money Penalty

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein 5 OCAHO 756 (1995)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
Collateral Estoppel

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
Compliance with Employer Sanctions

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)

Constitutional Rights

United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)
United States v. Spring & Soon Fashion, Inc. 7 OCAHO 982 (1997)

Contractor

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Contractor Determination Not Based Solely on Employer Classification

Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Contractor/Employee Determination Based on Factual Inquiries

Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Corporate Liability

United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 397 (1991)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 409 (1992)

Corporation(s)

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)
United States v. Robert Marnul d/b/a Lamont Street Grill 3 OCAHO 441 (1992)
United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben 1 OCAHO 138 (1990)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 409 (1992)

Detrimental Reliance

United States v. Irvin Industries, Inc. 1 OCAHO 139 (1990)

United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

Double Jeopardy

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Due Process

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)

Eighth Amendment

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)

Eleventh Amendment

Chiaha Ugochi v. North Dakota Department of Human Services 12 OCAHO 1304 (2017)

Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center 4 OCAHO 689 (1994)

Josh Kupferberg v. University of Oklahoma Health Sciences Center 4 OCAHO 689 (1994)

Massala Prince Reffell v. Prairie View A&M University 9 OCAHO 1057 (2000)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Tyrone Robinson v. New York State Family Court 5 OCAHO 814 (1995)

Entrapment

United States v. Earl & Beverly McDougal d/b/a Grand Tradition 4 OCAHO 687 (1994)

United States v. Irvin Industries, Inc. 1 OCAHO 139 (1990)

United States v. Multimatic Products, Inc. 1 OCAHO 221 (1990)

United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

Entrapment Defense Only Applies in Criminal - Not Civil - Proceedings

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Equitable Tolling

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Estoppel

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al. 5 OCAHO 746 (1995)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 899 (1996)

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

United States v. Louis Padnos Iron & Metal Co., a Corporation 3 OCAHO 414 (1992)

United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn 3 OCAHO 584 (1993)

United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

Affirmative Misconduct

United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)

United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant 1 OCAHO 130 (1989)

Generally

United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)

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Esther Din Brooks v. Watts Window World 3 OCAHO 558 (1993)

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United States v. Gloria Fashions, Inc. 6 OCAHO 839 (1996)

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United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)

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Employers Do Not Have to Complete I-9s for Employees Hired Prior to the Effective Date of IRCA

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United States v. Wood 'N Stuff 3 OCAHO 574 (1993)

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United States v. Bayley's Quality Seafoods, Inc. 1 OCAHO 238 (1990)

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United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)

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Employer May (But Is Not Required To) Terminate An Employee After A Final Nonconfirmation

Loleitha Atheria Wilson v. Waste Connections, Inc. 13 OCAHO 1315 (2019)

Employers Enrolled in E-Verify May Only Accept List B Document Containing a Photograph

Michael Edward Johnson v. Progressive Roofing 12 OCAHO 1295 (2017)

Errors In Employee's Information in E-Verify

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Participation in E-Verify Doesn't Exempt Employer From Completing, Retaining and Producing I-9s

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

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United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

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United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)

Employee Defined as Individual Who Provides Services or Labor for an Employer for Wages or Other Remuneration

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
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Individual Not an Employee Where There Is a Showing of Ownership and Control Over the Enterprise

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Loss of Grandfathered Status

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Mere Name on List or I-9 Without Proof of Remuneration Insufficient to Prove Employment

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United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

Must Look At Indivudual's Level of Control Within Entity to Determine Whether Employee

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

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Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)

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Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)

Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)

Neither Form of Entity Nor Individual's Title is Determinative of Employee Status

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Owner/Partner Not an Employee Where There is a Showing of Ownership and Control Over the Enterprise

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)

Three Level Inquiry to Determinine Whether Individual Is An Independent Contractor Or An Employee

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Mere Ignorance of Filing Requirements Does Not Justify Equitable Tolling

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Pro Se Status Alone Is Not Sufficient to Justify Equitable Tolling

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Ability to Pay May Be Appropriate Factor to Consider In Assessing the Amount of the Penalty

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Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

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ALJ Can Consider Public Policy of Leniency to Small Entities

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ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

United States v. Niche, Inc.	11 OCAHO	1250		(2015)

ALJ Considers Five Statutory Factors Set Out in 8 U.S.C. Section 1324a(e)(5) In Assessing the Penalty

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ALJ Erred in Reducing Fine to Minimum Bases on Erroneous Assumption of Government Overreach

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ALJ has Discretion to Adopt ICE's Proposed Penalty Where it is Proportionate and Suitable

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ALJ Not Bound by ICE's Method of Calculating Penalties

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Bad Faith Found Where Employer Appeared to Intentionally Subvert Purposes of Section 1324a(b)

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Bad Faith Requires a Showing of Culpable Conduct Beyond Respondent's Verification Failures

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United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

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Company Tax Losses Do Not Necessarily Establish Poor Financial Condition or Inability To Pay

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United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Excessive

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

United States v. Fowler Equipment Company, Inc. 10 OCAHO 1169 (2013)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)
United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)
United States v. Pedro Dominguez 6 OCAHO 878 (1996)
Excessive Fines Clause of Eighth Amendment Applies to Fines That Are Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1231 (2014)
Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Prepare I-9 More Serious Than Paperwork Violations

United States v. Senox Corporation 11 OCAHO 1219 (2014)
Failure to Present I-9 Forms Due to Loss Is Still a Serious Violation

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Properly Complete I-9 Less Serious Than Failure to Prepare or Present I-9

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Show That Certain Individuals Were Unauthorized Does Not Require Mitigation

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Failure to Timely Prepare Form I-9 Is A Serious Violation

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Generally

United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing 3 OCAHO 494 (1993)

United States v. Armando Alvarez-Suarez 6 OCAHO 862 (1996)

United States v. Business Teleconsultants, Ltd. 3 OCAHO 565 (1993)

United States v. David Day d/b/a David Day Masonry 3 OCAHO 575 (1993)

United States v. Exim, Inc. and Jaime Monardes, Individually 3 OCAHO 591 (1993)

United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)

United States v. Hardeep Singh 3 OCAHO 520 (1993)

United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient 3 OCAHO 499 (1993)

United States v. Kangaroo Express of Pueblo 3 OCAHO 581 (1993)

United States v. Landscapes By Susanna 3 OCAHO 556 (1993)

United States v. Local Building & Remodeling of International Falls 3 OCAHO 567 (1993)

United States v. Minaco Fashions, Inc. 3 OCAHO 587 (1993)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)

United States v. Orlando Diaz-Rosas 4 OCAHO 702 (1994)

United States v. Oscar Chacon, Sr. 3 OCAHO 578 (1993)

United States v. Park Sunset Hotel 3 OCAHO 525 (1993)

United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management 3 OCAHO 559 (1993)

United States v. Satarain, Individually 3 OCAHO 557 (1993)

United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant 3 OCAHO 509 (1993)

United States v. Wood 'N Stuff 3 OCAHO 574 (1993)

Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

Government Bears Burden of Proving Penalty and Aggravating Factors by Preponderance of Evidence

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

Government Bears the Burden of Proof on Penalty and Aggravating Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc.	11 OCAHO	1263		(2015)
United States v. Clean Sweep Janitor Service	11 OCAHO	1226		(2014)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281		(2016)
United States v. Employer Solutions Staffing Group II, LLC	11 OCAHO	1242		(2015)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271	b	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)
United States v. Golden Employment Group, Inc.	12 OCAHO	1277		(2016)
United States v. Hair U Wear, LLC	11 OCAHO	1268		(2016)
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)
United States v. Liberty Packaging, Inc.	11 OCAHO	1245		(2015)
United States v. Metropolitan Enterprises, Inc.	12 OCAHO	1297		(2017)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278		(2016)
United States v. Pegasus Family Restaurant, Inc.	12 OCAHO	1293		(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253		(2015)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266		(2016)
United States v. Solutions Group International, LLC	12 OCAHO	1288		(2016)
United States v. Speedy Gonzalez Construction, Inc.	11 OCAHO	1243		(2015)
United States v. St. Croix Personnel Services, Inc.	12 OCAHO	1289		(2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market	11 OCAHO	1267		(2016)

Government Has Burden of Proof On Fines and Aggravating Factors

United States v. Golf International d/b/a Desert Canyon Golf	11 OCAHO	1222		(2014)

Government Must Prove Aggravating Factor by Preponderance of Evidence

Margarita Garcia Ocana v. El Dorado Stone, LLC	11 OCAHO	1244		(2015)
United States v. Clean Sweep Janitor Service	11 OCAHO	1226		(2014)
United States v. Dr. Robert Schaus, D.D.S.	11 OCAHO	1239		(2014)
United States v. Employer Solutions Staffing Group II, LLC	11 OCAHO	1242		(2015)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
High Noncompliance Rate Insufficient to Justify Higher Penalty for Similar Situations

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
If 5 Factors Considered, Statute Neither Mandates Nor Precludes Mathematical Formula to Set Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Knowing Hire Violations Are Far More Serious Than Any Paperwork Violations

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Lack of History of Previous Violations Does Not Require the ALJ to Mitigate Civil Penalty

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

Leniency Toward Small Entities

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)

United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)

Mitigation

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)
United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)
United States v. Draper-King Cole, Inc. 7 OCAHO 933 (1997)
United States v. Exim, Inc. and Jaime Monardes, Individually 4 OCAHO 604 (1994)
United States v. Four Star Knitting, Inc. 6 OCAHO 868 (1996)
United States v. Giamblis Enterprises 6 OCAHO 834 (1996)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. GRS, Inc. d/b/a Gasket Engineering 4 OCAHO 627 (1994)
United States v. Kerry J. Vicker d/b/a SNB Cleaning 5 OCAHO 819 (1995)
United States v. Mourad Abu Remileh 6 OCAHO 825 (1995)
United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)
No Deterrent Effect When Employer Is No Longer in Business

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Notices of Discrepancies or Suspect Documents Do Not Alone Prove Employee Is Unauthorized

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

OCAHO ALJs May Review Penalty Assessments De Novo

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

OCAHO Has No Authority to Dictate Methods Other Agency Uses to Assess Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

OCAHO May Examine ICE Fine de novo

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Paperwork Violation Penalties Are Prophylactic and Corrective, Not Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
United States v. Symmetric Solutions, Incorporated d/b/a Minerva Indian Cuisine 10 OCAHO 1209 (2014)

Penalties Should Deter Future Violations Without Being Unduly Punitive

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Penalties Should Have a Deterrent Effect and Not Be Merely a Cost of Doing Business

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Penalties Should Not Be Disproportionate to Employer's Revenue

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

Penalties Should Promote Future Compliance Without Being Unduly Punitive

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Penalty Within Statutory Range Presumed Valid Under Eighth Amendment Excessive Fines Clause

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
Principal Goal Is To Enhance Probability of Future Compliance

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Prophylactic Purpose Best Served When Penalty Is Significant Enough to Prompt Change of Behavior

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Proportionality is Critical in Setting Penalties

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
Proportionality of Fine Judged Relative to Gravity of Violations and Size of Business

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
Purpose is to Deter Repeat Violations and Encourage Others to Comply

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Reasonableness Based On Record As Whole and Statutory Factors in Particular

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Referring to Discrepancies or Suspect Documents Does Not Alone Prove Employee is Unauthorized

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
Seriousness of Violation Depends on Degree of Deviation From Verification Requirements

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
Seriousness of Violation Evaluated on Continuum Because Not All Violations Are Equally Serious

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Should Deter Future Violations Without Being Unduly Punitive

United States v. Senox Corporation 11 OCAHO 1219 (2014)
Size of Business

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
Size of Business Did Not Necessitate Further Mitigation of Civil Penalty

United States v. M & D Masonry 10 OCAHO 1215 (2014)
Social Security Mismatch Does Not Establish That a Particular Individual is Unauthorized for Employment

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Statute Does Not Prohibit Consideration of Unenumerated Factors

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
Statute Does Not Require That a Factor Found Not to Be Aggravating Must Be Found to Be Mitigating

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)
Statute Does Not Require That Equal Weight Be Given Each of the Five Statutory Factors

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
Statute Does Not Require That Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
Statute Does Not Require That Equal Weight Be Given to Each Required Penalty Factor

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Statute Does Not Rule Out Consideration of Unenumerated Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Statute Does Not Specify Factors ALJ Must Consider in Setting Penalty for Knowing Hire Violation

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
Statutory Fine Factors Only for Paperwork Violations Not Knowing Hire or Continuing to Employ

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 a (2015)
Suspicion Alone is Insufficient to Aggravate Paperwork Penalty Based On Unauthorized Workers

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
Termination of Employees Does Not Sufficiently Establish the Presence of Unauthorized Aliens

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
There Is No Sole Permissible Method for Calculating Penalties

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
There Must Be Rational Relationship Between Magnitude of Offense and Penalty

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
Violations Evaluated on a Continuum Because Not All Violations are Equally Serious

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
Weight of Each Statutory Factor Depends on Facts of Each Case

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
Where A Paperwork Violation is Found, The Act Does Not Provide for Waiver of Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
FORGED DOCUMENTS

Generally

United States v. Armando Alvarez-Suarez 6 OCAHO 862 (1996)
United States v. Hardeep Singh 3 OCAHO 520 (1993)
United States v. Maria Sourovova 8 OCAHO 1020 (1998)
United States v. Mireya Pedraza-Guzman 5 OCAHO 792 (1995)

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United States v. H&H Saguaro Specialists 10 OCAHO 1147 (2012)

A Birth Certificate is Not a Valid List B Document That Establishes Identity

United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)

Completion of I-9 after Notice of Inspection

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

Compliance

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 768 (1995)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. David Jenkins 5 OCAHO 743 (1995)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. El Paso Hospitality, Inc. 5 OCAHO 737 (1995)
United States v. Giamblis Enterprises 5 OCAHO 817 (1995)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)
United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. Karnival Fashion, Inc.	5 OCAHO	769		(1995)
United States v. LFW Dairy Corporation	10 OCAHO	1129		(2009)
United States v. Mesabi Bituminous, Inc.	5 OCAHO	801		(1995)
United States v. New China Buffet Restaurant	10 OCAHO	1133		(2010)
United States v. R&M Fashion, Inc.	6 OCAHO	826		(1995)
United States v. Seven Elephants Distributing Corp.	10 OCAHO	1173		(2013)
United States v. Tri-Component Product Corporation	5 OCAHO	821		(1995)
United States v. Vogue Pleating, Stitching & Embroidery Corporation	5 OCAHO	782		(1995)
United States v. Walden Station, Inc.	8 OCAHO	1053		(2000)
Document Abuse				
Daniel DeNardo v. WH Smith USA Travel	9 OCAHO	1080		(2002)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085		(2002)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095		(2003)
Document Fraud				
United States v. Monica Zapata-Cosio	5 OCAHO	822		(1995)
United States v. Mourad Abu Remileh	5 OCAHO	724		(1995)
Employee's Documents Are To Be Independently Verified By the Employer, Not By the Employee				
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)
Employee's Failure to Check a Box in Section 1 Attesting to Status is a Serious Violation				
United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271	b	(2016)
United States v. Hartmann Studios, Inc.	11 OCAHO	1255		(2015)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247		(2015)
United States v. Monadnock Mountain Spring Water, Inc.	10 OCAHO	1193		(2013)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC	11 OCAHO	1265		(2015)

Employee's Failure to Check Box Attesting to Status or Sign Section 1 is a Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Employer Is Permitted, But Not Required, To Copy Employee Documents Presented for Form I-9

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

Employer Must Attest to Examination of Section 2 Documents

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employer Must Ensure Employee Completes and Signs Form I-9 Section 1 On Date of Hire

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Employer Who Signs Section 2 With Electronic Signature Must Follow Applicable Regulations

United States v. Agri-Systems d/b/a ASI Industrial 12 OCAHO 1301 (2017)

Employer's Completion of Section 3 In Lieu of Section 2 Constitutes Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Employer's Failure to Ensure Employee Properly Completes Form I-9 Section 1 is Serious Violation

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Employer's Failure to Sign Form I-9 Section 2 Is A Very Serious Violation

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employers Not At Liberty to Create Own Alternative Employment Eligibility Verification Systems

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

Failure to Attest to Examination of Section 2 Documents is Serious Substantive Violation

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Failure to Complete and Sign Section 2 of Form I-9 Is Both Substantive and Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Failure to Complete or Sign Form I-9 Section 2 Employer Verification Constitutes Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Ensure Employee Checks Box Attesting to Immigration Status is Serious Violation

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Failure to Ensure Employee Enters Alien Number in Section 1 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)

Failure to Ensure Employee Signs Form I-9 Section 1 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Failure to Ensure Employee Timely Completes Section 1 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Enter Required Document Information in Section 2 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Identify Issuing Authority In Form I-9 Section 2 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Failure to Prepare Form I-9 Subverts the Purpose of the Employment Verification Requirements

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

Failure to Print Employer Representative's Name in Section 2 May Be Substantive Violation

United States v. Agri-Systems d/b/a ASI Industrial 12 OCAHO 1301 (2017)

Failure to Properly Complete Section 2 of the Form I-9 is a Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Reverify Employment Authorization Document Before Expiration Date Constitutes Violation

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
Failure to Timely Prepare Form I-9 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Form I-9 Timely Prepared If Section 1 Completed at Hire and Section 2 Within Three Days of Hire

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
Generally

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 794 (1995)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. David Segura-Sataray 4 OCAHO 703 (1994)
United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)
United States v. GRS, Inc. d/b/a Gasket Engineering 4 OCAHO 627 (1994)
United States v. Harran Transportation Company, Inc. 6 OCAHO 857 (1996)
United States v. Leticia Cruz-Mandoza 5 OCAHO 750 (1995)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Maria Teresa De Jesus Morales-Martinez 5 OCAHO 727 (1995)
United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)

United States v. Simon Osagie Iyawe 5 OCAHO 744 (1995)

I-9 Retention Required for 3 Years After Hire or 1 Year After Termination, Whichever Is Later

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

I-9 Section 3 To Be Used Only for Reverification After Section 2 is Properly Completed At Hire

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Merely Pre-Printing or Typing Company Name in Section 2 Is Not the Equivalent of a Signature

United States v. Agri-Systems d/b/a ASI Industrial 12 OCAHO 1301 (2017)

No Substitute for Proper Completion of Form I-9

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

Retention Requirement for Former Employees

United States v. March Construction, Inc. 10 OCAHO 1158 (2012)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

Submission of Form I-9 Completed After Service of NOI Does Not Cure Failure to Timely Prepare

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

The Longer the Delay In Preparing a Form I-9, The More Serious the Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Use of Section 3 of Form I-9 Only Proper If Employee Is Rehired or Work Authorization Expires

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

FOURTH AMENDMENT

Consent

United States v. David Jenkins 5 OCAHO 743 (1995)

DHS's Identification of Respondent for an Enforcement Audit Not Suppressible in OCAHO Proceedings

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Evidence Obtained Through Egregious Actions by DHS Officials May Be Suppressed

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Exclusionary Rule

United States v. David Jenkins 5 OCAHO 743 (1995)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Israel Velasquez-Tabir 6 OCAHO 909 (1997)

United States v. Julio Carpio-Lingan 6 OCAHO 909 (1997)

Generally

United States v. C&K Metals, Inc. a/k/a Leach Cast & Steel, Inc. 6 OCAHO 845 (1996)

United States v. David Jenkins 5 OCAHO 743 (1995)

Identity of a Respondent in Civil Proceesings is Never Itself Suppressible

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Identity of Sovereign Who Seizes Evidence Relevant in Assessing Deterrent Effect of Exclusion

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)

Suppression of Evidence Should Provide Substantial Deterrent to Unlawful Police Action at Issue

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

GOOD CAUSE

Generally

Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)

United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor 1 OCAHO 81 (1989)

United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm 1 OCAHO 187 (1990)

United States v. Michael's Greek Village, Limited and Michael Lotsis, Jointly and Severally 1 OCAHO 86 (1989)

United States v. Nu Line Fashions, Inc. 1 OCAHO 147 (1990)

United States v. Shine Auto Service 1 OCAHO 70 (1989)

United States v. Shine Auto Service 1 OCAHO 94 (1989)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 35 (1988)

United States v. Zeferino Castillo, Individually 3 OCAHO 505 (1993)

GOOD FAITH

Absence of Good Faith Shown Where Employer Enters False Hire Dates on Multiple 1-9 Forms

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Absence of Good Faith Where Employer Fails to Ascertain and Conform Conduct to Legal Obligations

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Bad Faith Requires a Showing of Culpable Conduct Beyond Respondent's Verification Failures

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

Certification(s)

Production

United States v. Allen Holdings, Inc. 9 OCAHO 1059 (2000)

Culpable Conduct Can Be Shown by Evidence that Employer Tried to Mislead Government

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Deliberate Falsification of Information in Section 2 of Form I-9 Does Not Indicate Good Faith

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Failure to Use Voluntary E-Verify System Creates No Inference of Good or Bad Faith

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

Generally

United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

United States v. Continental Sports Corporation 5 OCAHO 799 (1995)

United States v. De Luca's Market 8 OCAHO 1039 (1999)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1072 (2001)

United States v. Four Star Knitting, Inc. 6 OCAHO 868 (1996)

United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
United States v. Kerry J. Vicker d/b/a SNB Cleaning 5 OCAHO 819 (1995)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)
United States v. Mesabi Bituminous, Inc. 5 OCAHO 801 (1995)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)
United States v. Pegasus Restaurant, Inc. 10 OCAHO 1143 (2012)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
United States v. Tri-Component Product Corporation 6 OCAHO 853 (1996)

Good Faith Affirmative Defense Only Available for Technical/Procedural Violations

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Good Faith Shown When Employer Makes Effort to Ascertain and Conform to its Legal Obligations

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)

Good Faith Standard has Subjective Components

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
It Is Not Objectively Reasonable to Knowingly Create False Attestations in Section 2 of Form I-9

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
No Error in Finding That Pre-signing I-9 Forms in Batches Is Not Consistent with Good Faith

United States v. M & D Masonry 10 OCAHO 1215 (2014)
Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
Requires Assessment of Whether Employer Honestly Exercised Reasonable Care and Diligence

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

GOOD FAITH DEFENSE

Defense Only Available for Technical or Procedural - Not Substantive - Violations

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United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Must Include Nature of Request, Objections, Arguments, and Good Faith Attempt to Resolve

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United States v. Durable, Inc. 11 OCAHO 1221 (2014)
United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Objections & Reasons Must Be Stated in Discovery Response, Not Only in Opposing Motion to Compel

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)
United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Opposing Party Bears Burden of Persuasion

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)

Opposing Party Must Specify Objections and Demonstrate That Objections Are Justified

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OSC, A Separate and Distinct Party, Can Pursue Complaint-In-Intervention Without Charging Party

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Failure to Ensure Employee Checks Box Attesting to Immigration Status is Serious Violation

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
Failure to Ensure Employee Enters Alien Number in Section 1 Constitutes Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
Failure to Ensure Employee Signs Form I-9 Section 1 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
Failure to Ensure Employee Signs Form I-9 Section 1 is a Substantive Failure

United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
Failure to Ensure Employee Signs, Lists Immigration Status and A Number on I-9 Are Serious Violations

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)
Failure to Identify Issuing Authority In Form I-9 Section 2 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Failure to Prepare

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281		(2016)
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United States v. Golden Employment Group, Inc.	12 OCAHO	1277		(2016)
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Failure to Prepare Form I-9 Subverts the Purpose of the Employment Verification Requirements

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United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
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Failure to Present Timely Prepared I-9 Forms is a Serious Violation

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Failure to Print Employer Representative's Name in Section 2 May Be Substantive Violation

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United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Properly Complete Section 2 of the Form I-9 is a Serious Violation

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
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Failure to Properly Complete Section 2 of the Form I-9 is a Very Serious Violation

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Failure to Properly Verify Documents in Form I-9 Section 2 Is Serious and Substantive Violation

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Failure to Reverify Employment Authorization Document Before Expiration Date Constitutes Violation

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

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Failure to Timely Prepare Form I-9 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

Failure to Timely Prepare Form I-9 is Both Substantive and Serious Violation

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

United States v. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)

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United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)

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For Employee Rehired Within 3 Years, Previous I-9 Can Be Used In Lieu of Completing a New I-9

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Form I-9 Section 2 Is the Heart of the Employment Eligibility Verification Process

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

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United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Form I-9 Timely Prepared If Section 1 Completed at Hire and Section 2 Within Three Days of Hire

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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United States v. Aegis Fashion, Inc. 1 OCAHO 239 (1990)

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United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	67	(1989)
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United States v. Curran Engineering Company, Inc.	7	OCAHO	975	(1997)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
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United States v. Dubois Farms, Inc.	1	OCAHO	242	(1990)
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United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
United States v. Ebrahim Banafsheha	3	OCAHO	525	(1993)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)
United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
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United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
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United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
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United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1	OCAHO	154	(1990)
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United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	518	(1993)
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United States v. New El Rey Sausage Company	1	OCAHO	785	(1989)
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United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
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United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
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United States v. Ronning Landscaping, Inc.	10	OCAHO	1149	(2012)
United States v. Rosario Strano d/b/a Strano Farms	3	OCAHO	492	(1993)
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United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)

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United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Lack of Issuing Authority for a Driver's License in Section 2 is a Substantive Violation

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United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
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Location

United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)

United States v. Land Coast Insulation, Inc. 2 OCAHO 379 (1991)

Mere Failure to Date I-9 Employer Attestation is Technical or Procedural

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Merely Pre-Printing or Typing Company Name in Section 2 Is Not the Equivalent of a Signature

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United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

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United States v. David Jenkins 5 OCAHO 743 (1995)

United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)

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United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)

United States v. Union Lakeville Corporation 8 OCAHO 1019 (1998)

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

Most Paperwork Violations are Continuous Violations Until Cured or Until Retention Period Expires

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

No Expiration Date for Driver's License in Section 2 is Substantive if No Copy Attached

United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)

No Substitute for Proper Completion of Form I-9

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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Omitting Document Number/Expiration Date May Be Technical/Procedural If Document Copy Attached

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

Paperwork Violation Involving Failure to Complete Section 1 or 2 Continues Until Corrected

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Person Who Signs Attestation Must Be Same Person Who Examines Employee's Original Documents

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Retention Requirement for Former Employees

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Rules for Completion of I-9 for Employee Who Works Fewer Than Three Business Days

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Statute Aimed At All Employers, Not Just Traffickers or Those Who Hire Unauthorized Workers

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Statute of Limitations

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 984 (1998)
Systematically Executing False Attestations in Section 2 Is Very Serious Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
The Longer the Delay In Preparing a Form I-9, The More Serious the Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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Timeliness Paperwork Violations Cannot Be Cured

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Untimely Produced Documents Don't Excuse Substantive Errors in I-9s Presented During Inspection

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United States v. Zabala Vineyards 6 OCAHO 830 (1995)

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United States v. A.J. Bart, Inc. 3 OCAHO 538 (1993)

United States v. Agripac, Inc. 8 OCAHO 1012 (1998)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation 3 OCAHO 413 (1992)

United States v. Weld County School District 2 OCAHO 326 (1991)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)

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United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

Persons Protected

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

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United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

PENALTIES

Ability to Pay May Be Appropriate Factor to Consider In Assessing the Amount of the Penalty

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

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United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Across-the-Board Enhancement for Presence of Only Some Unauthorized Workers Not Permitted

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

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United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

Employment of Unauthorized Alien(s)

United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Aggravation

United States v. Seven Elephants Distributing Corp. 10 OCAHO 1173 (2013)

ALJ Can Consider Public Policy of Leniency to Small Entities

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United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

ALJ Considers Five Statutory Factors Set Out in 8 U.S.C. Section 1324a(e)(5) In Assessing the Penalty

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

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United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

ALJ Erred in Reducing Fine to Minimum Bases on Erroneous Assumption of Government Overreach

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)

ALJ has Discretion to Adopt ICE's Proposed Penalty Where it is Proportionate and Suitable

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

ALJ In 1324b Case Looks At Nature and Circumstances of Violation and Respondent's Conduct During Case

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

ALJ Not Bound by ICE's Method of Calculating Penalties

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

Applicable Penalty Range Depends on Date of Violations and Date of Assessment of Penalty

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

Bad Faith Found Where Employer Appeared to Intentionally Subvert Purposes of Section 1324a(b)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

Bad Faith Requires a Showing of Culpable Conduct Beyond Respondent's Verification Failures

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Certain Statutory Factors May Be More Compelling Than Others in the Context of a Specific Case

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Challenge to ICE Formula Inapposite Where Final Penalty Arrived at Independently by ALJ

United States v. M & D Masonry 10 OCAHO 1215 (2014)
Civil Penalty Assessment for 1324b Cases Looks to the Totality of the Circumstances

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)
Company Tax Losses Do Not Necessarily Establish Poor Financial Condition or Inability To Pay

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
Culpable Conduct Can Be Shown by Evidence that Employer Tried to Mislead Government

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Difference in Seriousness of Violations May Be Reflected in the Final Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
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Difference In Severity of Categories of Violations May Be Reflected in the Final Penalty

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
Double Jeopardy

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)
Employer's Previous Receipt of a Warning Notice Does Not Constitute History of Previous Violations

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employment of Unauthorized Aliens

United States v. Forsch Polymer Corporation 10 OCAHO 1156 (2012)

United States v. Nebeker, Inc. 10 OCAHO 1165 (2013)

Enhancement Factor Based on Whether Specific Individual was Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Excessive Fines Clause of Eighth Amendment Applies to Fines That Are Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Excessive Money Penalties

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

Factors

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)

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United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)

United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)

United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)

United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)

Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

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United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
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Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
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United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Properly Complete I-9 Less Serious Than Failure to Prepare or Present I-9

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Show That Certain Individuals Were Unauthorized Does Not Require Mitigation

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)
Failure to Timely Prepare Form I-9 Is A Serious Violation

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
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United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing 3 OCAHO 494 (1993)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Business Teleconsultants, Ltd. 3 OCAHO 565 (1993)
United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Gloria Fashions, Inc.	6	OCAHO	887	(1996)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. La Casona d/b/a La Casona Mexican Restaurant	4	OCAHO	712	(1994)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. Oscar Eduardo Villatoro-Guzman	4	OCAHO	652	(1994)
United States v. Pedro Dominguez	7	OCAHO	972	(1997)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Satarain, Individually	3	OCAHO	557	(1993)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)
United States v. Wood 'N Stuff 3 OCAHO 574 (1993)
Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
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United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
Good Faith Defense

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)
Government Bears Burden of Proving Penalty and Aggravating Factors by Preponderance of Evidence

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

Government Bears the Burden of Proof on Penalty and Aggravating Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
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United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
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United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
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United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)
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United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
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Government Must Prove Aggravating Factor by Preponderance of Evidence

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United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

High Noncompliance Rate Insufficient to Justify Higher Penalty for Similar Situations

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
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United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Knowing Hire

United States v. Jonel, Inc. 8 OCAHO 1008 (1998)

United States v. Occupational Resource Management, Inc. 10 OCAHO 1166 (2013)

Knowing Hire Violations Are Far More Serious Than Any Paperwork Violations

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Lack of History of Previous Violations Does Not Require the ALJ to Mitigate Civil Penalty

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

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United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

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United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

Leniency Toward Small Entities

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

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United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	758	(1995)
United States v. Central Nebraska Packing, Inc.	4 OCAHO	714	(1994)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5 OCAHO	803	(1995)
United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. Draper-King Cole, Inc.	7 OCAHO	933	(1997)
United States v. Enrique Reyes d/b/a King's Produce	4 OCAHO	592	(1994)
United States v. Exim, Inc. and Jaime Monardes, Individually	4 OCAHO	604	(1994)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5 OCAHO	756	(1995)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5 OCAHO	819	(1995)
United States v. Morgan's Mexican & Lebanese Foods, Inc.	8 OCAHO	1013	(1998)
United States v. Orlando Diaz-Rosas	4 OCAHO	702	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	4 OCAHO	652	(1994)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	4 OCAHO	637	(1994)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5 OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4 OCAHO	625	(1994)
United States v. Tri-Component Product Corporation	6 OCAHO	853	(1996)
United States v. Williams Produce, Inc.	5 OCAHO	730	(1995)

Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC	11 OCAHO	1244	(2015)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Liberty Packaging, Inc.	11 OCAHO	1245	(2015)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253	(2015)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)

Notices of Discrepancies or Suspect Documents Do Not Alone Prove Employee Is Unauthorized

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

OCAHO ALJs May Review Penalty Assessments De Novo

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Paperwork Requirement(s)/Violation(s)

United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. El Paso Hospitality, Inc.	5	OCAHO	737	(1995)
United States v. Exim, Inc. and Jaime Monardes, Individually	4	OCAHO	604	(1994)
United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
United States v. Great Bend Packing Company	6	OCAHO	835	(1996)
United States v. Jonel, Inc.	8	OCAHO	1008	(1998)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Onion River Sports, Inc.	4	OCAHO	673	(1994)
United States v. Platinum Builders of Central Florida, Inc.	10	OCAHO	1199	(2013)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
Employment of Unauthorized Alien(s)				
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
Factor(s)				
United States v. De Luca's Market	8	OCAHO	1039	(1999)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
Good Faith Defense				
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
Seriousness of the Violation(s)				
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
Size of Business				
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)

Paperwork Violation Penalties Are Prophylactic and Corrective, Not Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Party Seeking Consideration of Equitable Factor Bears Burden of Presenting Supporting Evidence

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271	b	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)
United States v. Golf International d/b/a Desert Canyon Golf	11 OCAHO	1222		(2014)
United States v. Hartmann Studios, Inc.	11 OCAHO	1255		(2015)
United States v. Homestead Metal Recycling Corp.	11 OCAHO	1251		(2015)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247		(2015)
United States v. Ideal Transportation Co., Inc.	12 OCAHO	1290		(2016)
United States v. Integrity Concrete, Inc. and American Concrete, Inc.	13 OCAHO	1307		(2017)
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)
United States v. Jalisco's Bar and Grill, Inc.	11 OCAHO	1224		(2014)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga	12 OCAHO	1286		(2016)
United States v. Kobe Sakura Japanese, Inc.	10 OCAHO	1205		(2013)
United States v. Kobe Sapporo Japanese, Inc.	10 OCAHO	1204		(2013)
United States v. M & D Masonry, Inc.	10 OCAHO	1211		(2014)
United States v. Mott Thoroughbred Stables, Inc.	11 OCAHO	1233		(2014)
United States v. Niche, Inc.	11 OCAHO	1250		(2015)
United States v. Pegasus Family Restaurant, Inc.	12 OCAHO	1293		(2016)
United States v. Platinum Builders of Central Florida, Inc.	10 OCAHO	1199		(2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253		(2015)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro	10 OCAHO	1206		(2013)
United States v. Romans Racing Stables, Inc.	11 OCAHO	1230		(2014)
United States v. Safe-Air of Illinois, Inc.	12 OCAHO	1270		(2016)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266		(2016)
United States v. Solutions Group International, LLC	12 OCAHO	1288		(2016)
United States v. Speedy Gonzalez Construction, Inc.	11 OCAHO	1243		(2015)
United States v. St. Croix Personnel Services, Inc.	12 OCAHO	1289		(2016)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant	10 OCAHO	1208		(2014)
Penalties Should Deter Future Violations Without Being Unduly Punitive				

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Penalties Should Have a Deterrent Effect and Not Be Merely a Cost of Doing Business

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Penalties Should Promote Future Compliance Without Being Unduly Punitive

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)
United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Penalty Within Statutory Range Presumed Valid Under Eighth Amendment Excessive Fines Clause

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)
United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)
United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)
United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)
Prophylactic Purpose Best Served When Penalty Is Significant Enough to Prompt Change of Behavior

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Proportionality is Critical in Setting Penalties

United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
Proportionality of Fine Judged Relative to Gravity of Violations and Size of Business

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
Purpose is to Deter Repeat Violations and Encourage Others to Comply

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Reasonableness Based On Record As Whole and Statutory Factors in Particular

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
Referring to Discrepancies or Suspect Documents Does Not Alone Prove Employee is Unauthorized

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)
Mere Reference to Information Discrepancies or Suspect Documents Insufficient to Prove
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

Seriousness of Violation Depends on Degree of Deviation From Verification Requirements

United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271 b	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276	(2016)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)

Seriousness of Violation Evaluated on Continuum Because Not All Violations Are Equally Serious

United States v. Cawoods Produce, Inc.	12 OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276	(2016)
United States v. Golden Employment Group, Inc.	12 OCAHO	1277	(2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11 OCAHO	1258	(2015)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247	(2015)
United States v. Ideal Transportation Co., Inc.	12 OCAHO	1290	(2016)
United States v. International Packaging, Inc.	12 OCAHO	1275	(2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga	12 OCAHO	1286	(2016)
United States v. Mott Thoroughbred Stables, Inc.	11 OCAHO	1233	(2014)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
United States v. Niche, Inc.	11 OCAHO	1250	(2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253	(2015)
United States v. Romans Racing Stables, Inc.	11 OCAHO	1230	(2014)
United States v. Safe-Air of Illinois, Inc.	12 OCAHO	1270	(2016)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)
United States v. Solutions Group International, LLC	12 OCAHO	1288	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11 OCAHO	1243	(2015)

Seriousness of Violation(s)

United States v. DJ Drywall, Inc.	10 OCAHO	1136	(2010)

United States v. Jonel, Inc. 8 OCAHO 1008 (1998)
United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)
United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
United States v. Taste of China 10 OCAHO 1164 (2013)
Failure to Complete I-9 prior to Notice of Inspection
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)
Size of Business
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)
United States v. MEMF, LLC d/b/a Black & Blue Steak & Crab - Buffalo 10 OCAHO 1170 (2013)
Franchisee/Franchisor
United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)
United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)
Size of Business Did Not Necessitate Further Mitigation of Civil Penalty
United States v. M & D Masonry 10 OCAHO 1215 (2014)
Social Security Mismatch Does Not Establish That a Particular Individual is Unauthorized for Employment
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Statute Does Not Prohibit Consideration of Unenumerated Factors
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
Statute Does Not Require That a Factor Found Not to Be Aggravating Must Be Found to Be Mitigating
United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

Statute Does Not Require That Equal Weight Be Given Each of the Five Statutory Factors

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

Statute Does Not Require That Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

United States v. Solutions Group International, LLC 12 OCAHO 1288 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Statute Does Not Require That Equal Weight Be Given to Each Required Penalty Factor

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Statute Does Not Rule Out Consideration of Unenumerated Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Statute Does Not Specify Factors ALJ Must Consider in Setting Penalty for Knowing Hire Violation

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Statutory Fine Factors Only for Paperwork Violations Not Knowing Hire or Continuing to Employ

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 a (2015)

Suspicion Alone is Insufficient to Aggravate Paperwork Penalty Based On Unauthorized Workers

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Termination of Employees Does Not Sufficiently Establish the Presence of Unauthorized Aliens

United States v. Integrity Concrete, Inc. and American Concrete, Inc. 13 OCAHO 1307 (2017)

There Is No Sole Permissible Method for Calculating Penalties

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

There Must Be Rational Relationship Between Magnitude of Offense and Penalty

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

Variety of Violations May Be Sufficiently Egregious to Merit Penalties Near Statutory Maximum

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Weight of Each Statutory Factor Depends on Facts of Each Case

United States v. 3679 Commerce Place, Inc. 12 OCAHO 1296 (2017)

United States v. Executive Cleaning Services of Long Island, Ltd. 13 OCAHO 1314 (2018)

United States v. Metropolitan Enterprises, Inc. 12 OCAHO 1297 (2017)

United States v. Pegasus Family Restaurant, Inc. 12 OCAHO 1293 (2016)

Where A Paperwork Violation is Found, The Act Does Not Provide for Waiver of Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Ideal Transportation Co., Inc. 12 OCAHO 1290 (2016)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

PERSONS PROTECTED

5/10 Year Rule

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend 5 OCAHO 726 (1995)

Wartan Bozoghlanian v. Hughes Radar Systems Group 5 OCAHO 741 (1995)

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Alien(s)

Generally

Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 549 (1993)

Esther Din Brooks v. KNK Textile 3 OCAHO 528 (1993)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Mr. Doron Tal v. M. L. Energia, Inc. 3 OCAHO 519 (1993)

Nripendra S. Dhillon v. Regents of the University of California 3 OCAHO 497 (1993)

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

Temporary Resident

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

Unauthorized

United States v. Mesa Airlines 1 OCAHO 74 (1989)

Asylees

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 6 OCAHO 880 (1996)

Citizen(s)

Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)

Generally

Daniel Bendig v. Conoco, Inc. 9 OCAHO 1065 (2001)

Intending

Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc. 3 OCAHO 548 (1993)

Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia 1 OCAHO 203 (1990)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Ironsi C. Ndusorouwa v. Prepared Foods, Inc. 1 OCAHO 192 (1990)

Marian Ryba v. Temple Steel Company 1 OCAHO 289 (1991)

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

Sargon Bethishou v. Ohmite Manufacturing Company 1 OCAHO 77 (1989)

United States v. Harris Ranch Beef Company 2 OCAHO 335 (1991)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

United States v. Southwest Marine Corporation, a California Corporation 2 OCAHO 400 (1989)

Puerto Rican

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

U.S. Born Citizen

Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 189 (1990)

Document Abuse Claim Based on Citizenship Status May Be Raised Only By Protected Individuals

Benjamin Stephen Mackinnon v. The Financial Times 13 OCAHO 1316 (2019)

Doris Rainwater v. Doctor's Hospice of Georgia, Inc. 12 OCAHO 1300 (2017)

Generally

Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)

Barbara Eva Labombarbe v. United States Air Force d/b/a Child Development Center 3 OCAHO 515 (1993)

Boris Gerardo Salazar-Castro v. Cincinnati Public Schools 3 OCAHO 406 (1992)

Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)

Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 549 (1993)

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3 OCAHO	484	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3 OCAHO	469	(1992)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1093	(2003)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Juan Antonio Cardona Godinez v. Armguard Security Patrol	3 OCAHO	490	(1993)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott)	3 OCAHO	508	(1993)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3 OCAHO	438	(1992)
Miguel A. Gallegos v. Magna-View, Inc.	4 OCAHO	619	(1994)
Mr. Doron Tal v. M. L. Energia, Inc.	3 OCAHO	519	(1993)
Nripendra S. Dhillon v. Regents of the University of California	3 OCAHO	497	(1993)
Patricia Eunice Parkin-Forrest v. Veterans Administration Hospital	3 OCAHO	516	(1993)
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United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

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United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

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United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)
OCAHO Rules Do Not Apply to Representation Before a Complaint is Filed With OCAHO

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OCAHO Rules Explicitly Allow for Representation By a Non-Attorney Under Certain Circumstances

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
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Hearing Unnecessary Where No Genuine Issue of Material Fact is in Dispute

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United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

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Doesn't Apply if Cause of Action is Different Than In Earlier Case

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Issues Are Not the Same Where Second Action Involves Application of Different Legal Standard

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Adverse Employment Action Occurs When Employment Decision Made and Communicated to Employee

R.O. v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Based on Filing a Charge With OSC

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)
Causation Requires a Showing that the Decisionmaker Knew of the Employee's Protected Activity

Habukuk Ndzerre v. Washington Metropolitan Area Transit Authority 13 OCAHO 1306 a (2018)
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Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)
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Claims of Retaliation for Engaging in Union Activity Must Be Pursued in a Different Forum

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)
Complaining About Sexual Harassment Is Not Protected Activity Within the Meaning of Section 1324b

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)
Counterclaim May Be Considered Retaliatory if it is Objectively Baseless

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)
Employer Has Burden of Production in Stating Non-Discriminatory Reason for Employment Action

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R.O. v. Crossmark, Inc. 11 OCAHO 1236 (2014)
Evidence of Pretext Must Be Specific and Substantial

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Filing EEOC Religious Discrimination Complaint is not Protected Activity Under Section 1324b(a)(5)

Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee	10 OCAHO	1212		(2014)

Filing With EEOC Is Not Protected Activity Under Section 1324b(a)(5)

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Generalized Complaints About Employing Undocumented Workers Isn't Protected Under Section 1324b

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Jimmy Jack Jackai v. Dallas County Data Services	3 OCAHO	569		(1993)
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595		(1994)
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United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
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Must Show Adverse Employment Action Would Not Have Occurred But For Employee's Protected Activity

Doris Rainwater v. Doctor's Hospice of Georgia, Inc. 12 OCAHO 1300 (2017)
Habukuk Ndzerre v. Washington Metropolitan Area Transit Authority 13 OCAHO 1306 a (2018)
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Pretext May Be Shown by Proof That An Employer's Explanation is Unworthy of Credence

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Prima Facie Case May Be Established by Direct or Circumstantial Evidence

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)
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Complaining About Illegal Hiring Under § 1324a Does Not Constitute Protected Activity Under § 1324b(a)(5)

Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape 10 OCAHO 1187 (2013)

Retaliation Claim Must Be Based on Conduct that is Protected Under Section 1324b

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Retaliation May Consist of Actions Not Directly Related to an Individual's Employment

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Retaliation Provision of Section 1324b Applies to any Individual, Not Just Protected Individuals

R.O. v. Crossmark, Inc. 11 OCAHO 1236 (2014)

To Qualify as Protected Activity, Conduct Must Implicate Some Right Secured Under Section 1324b

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Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

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Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

To Rebut Prima Facie Case, Employer Must State Non-Discriminatory Reason for Employment Decision

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To Rebut Prima Facie Case, Employer Must State Non-Retaliatory Reason for Employment Action

R.O. v. Crossmark, Inc. 11 OCAHO 1236 (2014)

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United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)

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United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels 3 OCAHO 554 (1993)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 696 (1994)
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United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)
United States v. Park Sunset Hotel 3 OCAHO 525 (1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management 3 OCAHO 559 (1993)
United States v. Satarain, Individually 3 OCAHO 557 (1993)

Issues Not Properly Raised Below Cannot Be Raised for the First Time on Review

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)
United States v. M & D Masonry 10 OCAHO 1215 (2014)

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Discovery Sanctions May Include Adverse Inferences or Rulings Against the Non-Complying Party

United States v. Technical Marine Maintenance Texas, LLC and Gulf Coast Workforce, LLC 13 OCAHO 1312 (2018)
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United States v. Scandia Interiors, Inc.	1	OCAHO	290	(1991)
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United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)

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United States v. Erlina Fashions, Inc. d/b/a Song Designs, Inc. 4 OCAHO 656 (1994)

All Documents Filed Must Be Accompanied By a Certificate of Service

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

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A Settlement Agreement Is A Contract and Is Generally Evaluated Under Relevant State Contract Law

Ashutosh Sharma v. Discover Financial Services, LLC 12 OCAHO 1292 (2016)

An Accrued Cause of Action Under 8 U.S.C. Section 1324b May Be Waived as Part of a Settlement Agreement

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United States v. Redi-Cut Foods, Inc. 4 OCAHO 659 (1994)

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Business Size Is Determined Based on Size At Time of ALJ Adjudication and Penalty Assessment

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11 OCAHO	1258	(2015)
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Business Size Not Based on Former Period in Business' History

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OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business

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STAY OF ENFORCEMENT OF AGENCY ORDER

ALJ Considers Four Well-Established Factors in Evaluating Request for Stay of Agency's Own Order

United States v. Frimmel Management, LLC 12 OCAHO 1271 d (2017)

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United States v. Frimmel Management, LLC 12 OCAHO 1271 d (2017)

OCAHO Has Authority to Stay Enforcement of Agency's Own Order Pending Judicial Review

United States v. Frimmel Management, LLC 12 OCAHO 1271 d (2017)

STAY OF PROCEEDINGS

Generally

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 2 OCAHO 363 (1991)

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)

United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center 1 OCAHO 135 (1990)

United States v. DAR Distributing, Inc. d/b/a DAR Cabinets 1 OCAHO 60 (1989)

United States v. Pedro Dominguez 7 OCAHO 973 (1997)

United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 373 (1991)

United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 51 (1989)

United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 57 (1989)

SUBPOENAS

Burden of Proof

In re Investigation of Modern Maintenance, Subpoena 2 OCAHO 359 (1990)

Compliance

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1048 (2000)
In re Investigation of Hyatt Regency Lake Tahoe, Subpoena 5 OCAHO 751 (1995)
In re Investigation of Norfolk Public Schools, Subpoena 4 OCAHO 621 (1994)
In re Investigation of University of South Florida, Subpoena 8 OCAHO 1056 (2000)
In re Investigation of Wal-Mart Stores, Subpoena 5 OCAHO 754 (1995)
Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 643 (1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

District Court Authority to Order Compliance and Find Party in Contempt

In re Investigation of Creative Resource Personnel, Inc. 12 OCAHO 1299 (2017)
In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

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United States v. 4431, Inc. t/a Candlelight Inn 4 OCAHO 611 (1994)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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Elizabeth Klimas v. Department of Treasury 3 OCAHO 404 (1992)
In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)
In re Investigation of Carolina Employers Association, Subpoena 3 OCAHO 455 (1992)
In re Investigation of Chan's Apparel, Subpoena 1 OCAHO 1 (1988)
In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1048 (2000)
In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1049 (2000)
In re Investigation of Doctor's Hospital of Santa Ana, Subpoena 1 OCAHO 194 (1990)
In re Investigation of Florida Azalea Specialist, Subpoena 3 OCAHO 523 (1993)
In re Investigation of Florida Rural Legal Services, Subpoena 3 OCAHO 428 (1992)
In re Investigation of Florida Rural Legal Services, Subpoena 3 OCAHO 437 (1992)

In re Investigation of Hyatt Regency Lake Tahoe, Subpoena	5	OCAHO	751	(1995)
In re Investigation of Norfolk Public Schools, Subpoena	4	OCAHO	621	(1994)
In re Investigation of Seafarers International Union, Subpoena	3	OCAHO	498	(1993)
In re Investigation of South Florida Tomato & Vegetable Growers Association, Subpoena	1	OCAHO	237	(1990)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	2	(1988)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	3	(1988)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	2	(1988)
In re Investigation of Strano Farms, Subpoena	3	OCAHO	521	(1993)
In re Investigation of Taiwan Restaurant, Subpoena	3	OCAHO	431	(1992)
In re Investigation of Valley Crest Tree Company, Subpoena	3	OCAHO	579	(1993)
In re Investigation of Wal-Mart Stores, Subpoena	5	OCAHO	754	(1995)
In Re Investigation of: NHS Human Services	10	OCAHO	1198	(2013)
James D. Westendorf v. Brown & Root, Inc.	3	OCAHO	405	(1992)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1084	(2002)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1087	(2002)
Leonid Naginsky v. Department of Defense	5	OCAHO	813	(1995)
United States v. Armando Alvarez-Suarez	4	OCAHO	651	(1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1	OCAHO	151	(1990)
United States v. Creation & Innovation	3	OCAHO	527	(1993)
United States v. Edith Fine	1	OCAHO	89	(1989)
United States v. Harris Ranch Beef Company	2	OCAHO	302	(1991)
United States v. Ideal Tortilla Factory, Inc.	2	OCAHO	366	(1991)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	212	(1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. Rosario Strano d/b/a Strano Farms	3	OCAHO	531	(1993)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	412	(1993)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)

IER is Appropriate Counsel to Apply to District Court for Enforcement of Subpoena

In re Investigation of Creative Resource Personnel, Inc. 12 OCAHO 1299 (2017)

Jurisdiction

In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)

In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)

Motion(s) to Quash

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1048 (2000)

In re Investigation of Florida Rural Legal Services, Subpoena 3 OCAHO 437 (1992)

In re Investigation of Henson Aviation, Subpoena 3 OCAHO 488 (1993)

In re Investigation of Modern Maintenance, Subpoena 2 OCAHO 359 (1990)

In re Investigation of Tropicana Casino & Resort, Subpoena 9 OCAHO 1060 (2000)

Office of Special Counsel/Immigrant and Employee Rights Section

Denial

In re Investigation of Swift & Co., Subpoena 9 OCAHO 1058 (2000)

Petition to Revoke or Modify

In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)

In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

Attorney-Client Privilege

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1087 (2002)

Refusal to Comply

In re Investigation of Creative Resource Personnel, Inc. 12 OCAHO 1299 (2017)

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

Relevance

In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)

Relevance of Information Sought

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

Required Criteria for Enforcement

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

SUBSTANTIAL COMPLIANCE

Copying and Attaching Documents Without Properly Completing I-9 Isn't Substantial Compliance

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)

Creation of False Section 2 Attestations Is Substantive Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Generally

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 886 (1996)

United States v. El Paso Hospitality, Inc. 5 OCAHO 737 (1995)

United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. Ketchikan Drywall Services, Inc. 10 OCAHO 1139 (2011)

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)

United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)

United States v. Minaco Fashions, Inc. 3 OCAHO 587 (1993)

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 533 (1993)

United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)

Paperwork Requirement(s)/Violation(s)

United States v. BKR Restaurants, LLC d/b/a Burger King 10 OCAHO 1154 (2012)
United States v. Fortune East Fashion, Inc. 7 OCAHO 977 (1997)
United States v. Jonel, Inc. 7 OCAHO 967 (1997)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)
United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)

SUBSTANTIVE VS. TECHNICAL/PROCEDURAL PAPERWORK VIOLATIONS

Creation of False Section 2 Attestations Is Substantive Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Failure to Complete or Sign Form I-9 Section 2 Employer Verification Constitutes Substantive Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Durable, Inc. 11 OCAHO 1229 (2014)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)

Failure to Ensure Employee Checks Box Attesting to Immigration Status is Serious Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Failure to Ensure Employee Signs Section 1 of Form I-9 Is A Substantive Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Failure to Ensure That Employee Provides Alien or Admission Number Is Substantive Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Failure to Enter Printed Name of Individual Who Signs Section 2 Is Substantive Violation

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

Failure to Print Employer Representative's Name in Section 2 May Be Substantive Violation

United States v. Agri-Systems d/b/a ASI Industrial 12 OCAHO 1301 (2017)

Failure to Provide Issuing Authority for Form I-9 List B Document Is Substantive Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

Failure to Timely Prepare I-9 is Substantive - Not Technical or Procedural - Violation

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Government Not Required to Provide Notice and Correction Period for Substantive Violations

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Notice and Correction Period Required for Technical/Procedural Failures Before Imposing Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Omitting Document Number/Expiration Date May Be Technical/Procedural If Document Copy Attached

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

SUMMARY DECISION

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1075 (2001)

Raul A. Gonzalez v. Tri-Component Products, Inc. 9 OCAHO 1118 (2005)

Seidou Diarrassouba v. Medallion Financial Corporation 9 OCAHO 1076 (2001)

Abandonment

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)

United States v. McDonnell Douglas Corporation 4 OCAHO 616 (1994)
United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)
Admission(s)

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company 4 OCAHO 718 (1994)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company 5 OCAHO 742 (1995)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)
United States v. Maria Sourovova 7 OCAHO 987 (1998)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 4 OCAHO 615 (1994)
United States v. Ricardo Calderon, Inc. 5 OCAHO 805 (1995)
United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)
Affidavit(s)

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)
Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)
Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)
United States v. 1010 Morris Avenue Food Corporation 6 OCAHO 885 (1996)
United States v. IBP, Inc. 8 OCAHO 1021 (1999)
United States v. Jonel, Inc. 7 OCAHO 967 (1997)
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1040 (2000)
Hearsay
Martha Diaz v. Pacific Maritime Association 9 OCAHO 1108 (2004)
ALJ May Consider Admissions on File for the Basis of Summary Decision

United States v. St. Croix Personnel Services, Inc. 12 OCAHO 1289 (2016)

ALJ Must Accept As True Unrebutted Facts Established By Documentary Evidence or Affidavit

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites	11 OCAHO	1218		(2014)
United States v. Chen Wilmington, Inc.	11 OCAHO	1241		(2015)

ALJ Must Draw Reasonable Inferences In Favor of Nonmoving Party

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites	11 OCAHO	1218		(2014)

All Facts and Reasonable Inferences Viewed In Light Most Favorable to Nonmoving Party

Habukuk Ndzerre v. Washington Metropolitan Area Transit Authority	13 OCAHO	1306	a	(2018)
United States v. Agri-Systems d/b/a ASI Industrial	12 OCAHO	1301		(2017)
United States v. Buffalo Transportation, Inc.	11 OCAHO	1263		(2015)
United States v. Cawoods Produce, Inc.	12 OCAHO	1280		(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281		(2016)
United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271	b	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)
United States v. Hair U Wear, LLC	11 OCAHO	1268		(2016)
United States v. Ideal Transportation Co., Inc.	12 OCAHO	1290		(2016)
United States v. Jula888, LLC d/b/a Para Tacos La Chilanga	12 OCAHO	1286		(2016)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278		(2016)
United States v. Senox Corporation	11 OCAHO	1219		(2014)
United States v. Solutions Group International, LLC	12 OCAHO	1288		(2016)
United States v. St. Croix Personnel Services, Inc.	12 OCAHO	1289		(2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market	11 OCAHO	1267		(2016)

Appropriate Where Party is Entitled and Shows No Genuine Issue of Material Fact

United States v. Hair U Wear, LLC	11 OCAHO	1268		(2016)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278		(2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Blanket Denial of Liability Not Sufficient to Show That Genuine Issues of Material Fact Exist

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

Civil Money Penalty

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Jula888, LLC d/b/a Para Tacos La Chilanga 12 OCAHO 1286 (2016)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)

United States v. Walden Station, Inc. 8 OCAHO 1053 (2000)

Completion of False Certification on Form I-9 Does Not Constitute Substantial Compliance

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Conclusory and Unsupported Allegations Do Not Provide an Adequate Basis for Summary Decision

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

Conversion from Motion to Dismiss

Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)

United States v. Spectrum Technical Staffing Services, Inc., and Personnel Plus, Inc. 12 OCAHO 1291 (2016)

Discovery

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

United States v. IBP, Inc. 7 OCAHO 900 (1997)

Documentary Evidence

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Documentary Evidence Together With Proposed Stipulations May Be Sufficient to Establish Liability

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Evidence

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)

Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)

Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)

Lydia Annella Anderson v. Newark Public Schools 8 OCAHO 1024 (1999)

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

United States v. H&H Saguaro Specialists 10 OCAHO 1144 (2012)

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. McDonnell Douglas Corporation 4 OCAHO 676 (1994)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. Stanford Sign and Awning, Inc. 10 OCAHO 1145 (2012)

United States v. Walden Station, Inc. 8 OCAHO 1053 (2000)

Direct Evidence

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

Generally

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1110 (2004)

Sufficiency

United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)

United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)

Filing of Cross Motions Does Not Require Summary Decision Be Issued in Favor of Either Party

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

Generally

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)

Albert Gimein v. Department of Defense & Grumman Aerospace Corporation 3 OCAHO 503 (1993)

Amadeo Gonzalez v. Phoenix Motor Company 3 OCAHO 410 (1992)

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)

Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)

Esther Din Brooks v. KNK Textile 3 OCAHO 528 (1993)

Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)

Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)

Gabriel Niyi Adepitan v. United States Postal Service 3 OCAHO 416 (1991)

Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

Hector Cascante v. Kayak Club	1	OCAHO	199	(1990)
Jack Huang v. Queens Motel	2	OCAHO	364	(1991)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	255	(1990)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
John C. Grodzki v. OOCL, Inc.	1	OCAHO	295	(1991)
John R. Alvarez v. Interstate Highway Construction	3	OCAHO	430	(1992)
Juan J. Salcido v. New-Way Pork Company	3	OCAHO	425	(1992)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	466	(1992)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3	OCAHO	418	(1992)
Mid-Atlantic Regional Organizing Coalition v. Heritage Landscaping Services, LLC	10	OCAHO	1134	(2010)
Mr. Doron Tal v. M. L. Energia, Inc.	3	OCAHO	519	(1993)
Natasha Dionne Humphries v. PalmOne	9	OCAHO	1112	(2004)
Omar Egal v. Sears Roebuck & Company	3	OCAHO	442	(1992)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center	3	OCAHO	532	(1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center	3	OCAHO	532	(1993)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6	OCAHO	882	(1996)
Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales	3	OCAHO	458	(1992)
Sargon Bethishou v. Ohmite Manufacturing Company	1	OCAHO	77	(1989)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)
United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. A & B Carpet Steam Cleaning & General Services, Corporation	1	OCAHO	219	(1990)
United States v. Aegis Fashion, Inc.	1	OCAHO	239	(1990)
United States v. Aid Maintenance Company, Inc.	6	OCAHO	893	(1996)
United States v. Alberta Sosa, Inc.	5	OCAHO	739	(1995)

United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. Alvand, Inc. d/b/a 410 Diner	1	OCAHO	296	(1991)
United States v. American McNair, Inc.	1	OCAHO	167	(1990)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	4	OCAHO	718	(1994)
United States v. A-Plus Roofing, Inc.	1	OCAHO	209	(1990)
United States v. Armando Palacio d/b/a La Bahia Restaurant	1	OCAHO	230	(1990)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	133	(1990)
United States v. Broadway Tire, Inc.	2	OCAHO	310	(1991)
United States v. Camidor Properties, Inc.	1	OCAHO	299	(1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	305	(1991)
United States v. Chesters Restaurants, Inc. d/b/a La Cabana Restaurant	1	OCAHO	113	(1989)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Citizen's Utilities Company, Inc., Telephone Division	1	OCAHO	109	(1989)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center	1	OCAHO	135	(1990)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Culinary Artistry, Inc. d/b/a Footer's Catering	1	OCAHO	217	(1990)
United States v. Cyrus Kiani d/b/a Copies, Etc.	1	OCAHO	165	(1990)
United States v. De Luca's Market	8	OCAHO	1039	(1999)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. Doug Eier d/b/a Blue Mountain Recreation and Cyclery	1	OCAHO	256	(1990)
United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. El Dorado Furniture Manufacturing, Inc. d/b/a El Dorado Furniture Manufacturer, Inc.	3	OCAHO	417	(1992)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Elsinore Manufacturing, Inc.	1	OCAHO	13	(1988)

United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
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Movant Bears Initial Burden to Demonstrate Absence of Genuine Issue of Material Fact

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Moving Party Who Bears Burden of Proof At Trial Must Present Sufficient Evidence to Support

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Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)

Parties Generally Not Put to Burden or Expense of Hearing Absent Genuine, Material Factual Issue

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
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Party Moving for Summary Decision Must Show There Is No Genuine Issue of Material Fact

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Party Opposed Must Provide Specific Facts Showing Genuine Issue of Material Fact for Hearing

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Party Opposed to Summary Decision May Not Rest on Mere Allegations or Denials in Pleading

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United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)

Summary Decision Appropriate Where Party is Entitled and Shows No Genuine Issue of Material Fact

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Filing of EEOC Charge Does Not Toll Limitations Period for Filing of IER/OSC Charge

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