

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

March 30, 2022

ROBERT PAUL HEATH,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022B00018
)	
TECH GLOBAL SYSTEMS, INC.,)	
Respondent.)	
_____)	

ORDER TO SHOW CAUSE

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant, Robert Heath, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on January 10, 2022.¹ Heath alleges that Respondent, Tech Global Systems, Inc., discriminated against him on account of his citizenship and national origin status, and engaged in unfair documentary practices.

This office sent Tech Global Systems, Inc. a Notice of Case Assignment for Complaint Alleging Unlawful Employment Discrimination (NOCA) and a copy of the complaint on January 10, 2022, via U.S. certified mail. The NOCA directed that an answer was to be filed within thirty (30) days of receipt of the complaint, that failure to answer could lead to default, and that proceedings would be governed by Department of Justice regulations.² The U.S. Postal Service indicates that service was completed on January 31, 2022, making Respondent’s answer due no later than March 2, 2022. Respondent has not filed an answer.

¹ Complainant attached a copy of the determination letter from the Immigrant and Employee Rights Section (IER) to his OCAHO complaint. The IER determination letter states IER has dismissed Heath’s submission. The applicable statute, 8 U.S.C. § 1324b, “permits private action in the event that [IER] does not file a complaint,” and “[t]he person making the charge may file a complaint directly before an administrative law judge within 90 days of receipt of notice from [IER] that it will not prosecute the case.” *Prado-Rosales v. Montgomery Donuts*, 3 OCAHO no. 438, 213 (1992) (citing 8 U.S.C. § 1324b(d)(2)).

² Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2020).

Per the OCAHO rules, “[f]ailure of the respondent to file an answer within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default.” 28 C.F.R. § 68.9(b); *see also Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004) (holding that if default judgment is entered, judgment may be entered for the complainant without a hearing).

Accordingly, the Court ORDERS Respondent, Tech Global Systems, Inc., to file an answer that comports with 28 C.F.R. § 68.9(b), within twenty-one (21) days of this Order. An answer includes:

- “(1) A statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation; a statement of lack of information shall have the effect of a denial (any allegation not expressly denied shall be deemed to be admitted); and
- (2) A statement of fact supporting each affirmative defense.” *Id.*

The Respondent must also show good cause for why it did not timely file the answer. Accordingly, the Court further ORDERS Respondent to explain why it did not timely file an answer within twenty-one (21) days of this Order.

Should Respondent not file an answer and show good cause regarding its untimely filing, the Court may enter a default judgment against Respondent, pursuant to 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on March 30, 2022.

Honorable Jean C. King
Chief Administrative Law Judge