

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

June 23, 2022

TAREQ ZIAD FOUAD ZAKARNEH,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2022B00013
	)	
INTEL CORPORATION,	)	
Respondent.	)	
_____	)	

Appearances: Tareq Ziad Fouad Zakarneh, pro se, for Complainant  
Patrick Shen, Esq., for Respondent

ORDER ON RESPONDENT’S SUBMISSION

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On December 28, 2021, Complainant, Tareq Ziad Fouad Zakarneh, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Intel Corporation, alleging citizenship status discrimination, retaliation, and unfair documentary practice related to the employment eligibility verification process in violation of § 1324b. On February 28, 2022, Respondent filed its Answer to Complaint. *See Zakarneh v. Intel Corp.*, 16 OCAHO no. 1414, 1, 3 (2022).<sup>1</sup>

On March 29, 2022, Respondent filed Respondent’s Motion to Dismiss to which Complainant filed Complainant’s Response to Motion to Dismiss on April 13, 2022.

<sup>1</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.

On June 16, 2022, Respondent filed Respondent's Notice of Filing in which it attached a letter from the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Division (IER). In the letter, IER states it concluded its investigation and concluded it does not have reasonable cause to believe that Respondent discriminated or retaliated against Complainant in violation of § 1324b.

The undersigned construes this submission as a motion to supplement Respondent's Motion to Dismiss. The Court GRANTS this motion and accepts the filing. The undersigned highlights that OCAHO administrative law judges are not "require[d] to give any deference to IER's determination." *Montalvo v. Kering Ams., Inc.*, 14 OCAHO no. 1350, 6 (2020) (citing *Lardy v. United Airlines*, 4 OCAHO no. 595, 31, 70 (1994)).

Because the Court accepts Respondent's supplemental filing, it now provides Complainant an opportunity to respond to the motion (should he desire to do so). This submission is due by July 11, 2022.

SO ORDERED.

Dated and entered on June 23, 2022.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge