

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

February 7, 2023

HIM YEUNG,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2023B00010
)	
WASHINGTON STATE DEPARTMENT)	
OF LICENSING,)	
Respondent.)	
_____)	

ORDER OF INQUIRY

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On November 22, 2022, Complainant, Him Yeung, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, the Washington State Department of Licensing, discriminated against him on account of his citizenship status in violation of § 1324b(a)(1).

On November 28, 2022, the Court sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment Discrimination (NOCA) and a copy of the complaint via certified U.S. mail. OCAHO sent these documents to the address listed for Respondent on the Immigrant and Employee Rights Section (IER) Charge attached to the Complaint.¹ The U.S. Postal Service website reflects that the documents were “Delivered, Individual Picked Up at Postal Facility” on December 7, 2022, making an answer due on January 6, 2023. To date, Respondent has not filed an answer.

Upon further inspection, it appears as though the address provided for Respondent on the IER Charge is the same address listed for Complainant in the IER Charge,² and appears to be a private residence, not the Washington State Department of Licensing. This apparent error may very well explain Respondent’s failure to file an answer or otherwise appear in this matter.

¹ The address attached to the Complaint is : #####.

² The Court notes that Complainant’s address on the Complaint differs from the address listed for him on the IER Charge attached to the Complaint.

There are no additional addresses listed for Respondent on either the Complaint or its attachments; the section for “Respondent Business/Employer Information” on the Complaint is blank. Compl. 6.³

When OCAHO encounters difficulties in perfecting service, it can seek the assistance of a party. See 28 C.F.R. § 68.3(c)⁴ (stating “the Administrative Law Judge may direct that a party execute service of process” when OCAHO encounters difficulties in perfecting service).

As OCAHO is currently unable to serve the Complaint based on the information available to it, the undersigned is issuing this Order of Inquiry requiring Complainant to provide a mailing address for Respondent.⁵ The Complainant must respond within 21 days of the issuance of this Order.

“OCAHO case law demonstrates that in instances when a complaint cannot be effectively served, it is dismissed without prejudice[.]” *Heath v. VBeyond Corp. & an Anon. Empl’r*, 14 OCAHO no. 1368a, 3–4 (2020) (citing *United States v. Iniguez-Casillas*, 6 OCAHO no. 870, 510, 512 (1996), and then citing *United States v. Baches-Corado*, 3 OCAHO no. 571 (1993)).⁶ Complainant should, thus, understand that this Complaint may be dismissed if it cannot be effectively served.

³ A Washington State Department of Licensing job posting attached to the Complaint includes an address for the “Shoreline Licensing Services Office” at “15809 Westminster Way N.” Compl. 23. It is unclear whether this address is Respondent’s mailing address, and in any event, is only a street address with no city or zip code.

⁴ Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2020).

⁵ Complainant may wish to confer with the Immigrant and Employee Rights Section.

⁶ 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>.

SO ORDERED.

Dated and entered on February 7, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge