

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

April 20, 2023

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2023A00015
)	
WALMART INC. (BETHLEHEM),)	
Respondent.)	
_____)	

Appearances: Sirin Ozen Hallberg, Esq., for Complainant
Dan Brown, Esq. and K. Edward Raleigh, Esq., for Respondent

ORDER ON RESPONDENT'S MOTION FOR EXTENSION
TO ANSWER FIRST AMENDED COMPLAINT

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 13, 2022, alleging Respondent, Walmart Inc. (Bethlehem), violated 8 U.S.C. § 1324a(a)(1)(B). On February 17, 2023, Respondent filed an answer and a motion to dismiss.

On March 29, 2023, the Court ordered Complainant to file an amended complaint, and Respondent to file an amended answer within thirty days of service of the amended complaint. Complainant filed the First Amended Complaint Regarding Unlawful Employment Practices (FAC) on April 11, 2023; therefore, the amended answer was due on May 11, 2023.

On April 14, 2023, Respondent filed a Motion for Extension of Time to Answer Complainant's First Amended Complaint. Respondent requests an additional thirty days to file an amended answer (until June 12, 2023). Ext. Mot. 1, 3. Respondent asserts that both its lead counsels will be abroad during parts of May, and it needs more time to respond to the new allegations in the FAC. *Id.* at 2. Respondent indicates that Complainant has not consented to a June 12, 2023 deadline, but rather, a June 5, 2023 deadline. *Id.* at 1, 7–8.

“OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citations omitted).¹ Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Id.* (citations omitted).

The Court finds that Respondent has demonstrated good cause for an extension of the amended answer deadline. Respondent filed its motion well in advance of the original deadline, and proffered that its request is due to preplanned travel and needing more time to respond to the new allegations in the FAC. Respondent also conferred with Complainant before filing its motion, and demonstrated that both parties consent to some enlargement of time.

Accordingly, the Court will GRANT Respondent an extension of time to file its amended answer. Respondent shall file its amended answer no later than June 12, 2023.

SO ORDERED.

Dated and entered on April 20, 2023.

Honorable Jean C. King
Chief Administrative Law Judge

¹ 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>.