

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

May 3, 2023

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| ZAJI OBATALA ZAJRADHARA, |) | |
| Complainant, |) | |
| |) | |
| v. |) | 8 U.S.C. § 1324b Proceeding |
| |) | OCAHO Case No. 2021B00061 |
| |) | |
| ALJERIC GENERAL SERVICES, LLC a.k.a. |) | |
| ALJRIC GENERAL SERVICES, LLC, |) | |
| Respondent. |) | |
| _____ |) | |

Appearances: Zaji Obatala Zajradhara, pro se Complainant
Colin Thompson, Esq., for Respondent

ORDER CLARIFYING COMPLAINANT’S PREHEARING SUBMISSION

I. BACKGROUND

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324b. On September 29, 2021, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). Complainant alleges that Respondent, Aljeric General Services, LLC, failed to hire him on account of his citizenship status and national origin and retaliated against him.

On February 9, 2023, the Court issued an Order for Individual Status Reports and Prehearing Statements (Order). In this Order, the Court noted that dispositive motions (i.e. motions to dismiss or motions for summary decision) were due on January 19, 2023, with responses due February 18, 2023. *See* Order 1 (citing *Zajradhara v. Aljeric Gen. Servs.*, 16 OCAHO no. 1432c, 5 (2023)).¹ Noting that neither party filed any case-dispositive motions, the Court concluded the matter was poised for hearing. *Id.*

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

The Court ordered each party to file a status report on or before February 23, 2023. *Id.* The parties were to affirm they had not attempted to file any dispositive motions. Alternatively, if they had attempted to do so, they needed to provide documentation demonstrating such. *Id.* The Court separately ordered each party to update the prehearing statements previously submitted on March 20, 2022 (Complainant) and June 2, 2022 (Respondent). *Id.* at 2–3.

On February 15, 2023, Complainant filed a “Laymans’ Prehearing Statement.”

Respondent did not timely file a status report or updated prehearing statement.

On March 21, 2023, the Court issued an Order to Show Cause directing Respondent to show cause why it failed to respond to the Court’s February 9, 2023 Order. *Zajradhara v. Algeric Gen. Servs., LLC*, 16 OCAHO no. 1432e, 2 (2023).

On April 5, 2023, Respondent filed a response to the Court’s Order to Show Cause, a Status Report, and a Prehearing Statement.

II. PARTIES’ PREHEARING SUBMISSIONS

A. Complainant²

Complainant’s prehearing statement addresses: the issues presented, the possibility of settlement, proposed stipulations, presentation of case (witnesses, exhibits, time required), and other matters.

Complainant asserts he “electronically submitted his resume for the position of Operations Manager,” and tried in “good faith” to become Respondent’s employee. C’s Prehr’g Statement 1–2. Complainant claims Respondent “denied” Complainant the position, “reserving” it for a non-American citizen. *Id.* at 3–4. As to settlement, Complainant represents that Respondent has been uncooperative in settlement negotiations. *Id.* at 4. Complainant proposes the following stipulations: the position was “posted for a non-American citizen” and that he was “otherwise qualified.” *Id.*

Volume 8, where the decision has not yet been 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>.

² Complainant did not provide a status report addressing his intent to file dispositive motions in this matter. As such, the Court assumes that Complainant does not file a dispositive motion.

For his witness list, Complainant lists Alma Habos, as well as James Ulloa and Eugene Tebuteb from the CNMI Department of Labor. *Id.* Complainant separately identifies Alexander Madrak, an employee of the United States Department of Justice, who allegedly has knowledge of “back-tracing emails, meta data, and the like.” *Id.* Complainant proffers Mr. Madrak’s testimony relates to an email sent to Katelyn Davis, also an employee of the Department of Justice. *Id.*

Complainant’s proposed exhibit list includes: email correspondence from/to Alma Habos, news and opinion articles, a letter to Michael McCaul, documents relating to “Tom Tiffany” and “Bruce Westernman,” a document involving “Myanmar Company Proof,” a CNMI Attorney General letter, and a document involving “USDOJ SAZAMA.” *Id.*

Complainant estimates that the hearing will take 2–5 days. *Id.* at 5. Complainant also writes that he may “need the [Court’s] assistance [with] Subpoenas.” *Id.*³

B. Respondent

1. Order to Show Cause Response

In its response to the Court’s Order to Show Cause, Respondent writes that between the February 9, 2023 Order for Individual Status Reports and Prehearing Statements and the February 23, 2023 response deadline, Respondent had seven meetings scheduled and was preparing to leave

³ 28 C.F.R. § 68.25 permits the administrative law judge (ALJ) to issue subpoenas upon a party’s request. *Zajradhara v. GIG Partners*, 14 OCAHO no. 1363, 3 (2020). As explained in *Zajradhara v. HDH Co.*, 16 OCAHO no. 1417b, 2 (2022):

OCAHO[’s] rules require that the “subpoena identify the person or things to subpoenaed, the person to who it is returnable and the place, date, and time at which it is returnable.” § 68.25(b). When a non-party is subpoenaed, “the requestor of the subpoena must give notice to all parties.” *Id.* (stating that receipt of the subpoena or a copy of the subpoena constitutes “notice”). The party serving a subpoena must ensure that the date to respond to the subpoena is at least ten days after the date the subpoenaed party receives the subpoena. § 68.25(c). “[S]ince granting the issuance of a requested subpoena is discretionary, the [ALJ] make[s] an appropriate decision after reviewing the requesting party’s showing of general relevance and reasonable scope of the evidence sought.” *Heath v. ASTA CRS, Inc.*, 14 OCAHO no. 1385c, 2 (2021) (internal citation omitted); *see also* § 68.24(a).

See also id. at 5 (noting how CNMI/mainland United States mail processing affects subpoenas).

the CNMI for a personal matter. Order to Show Cause Resp. 5. On February 14, 2023, counsel left the CNMI and filed an “Off-Island Notice” on February 7, 2023. *Id.* Counsel returned to the CNMI on March 3, 2023, and the Court issued its Order to Show Cause on March 21, 2023. *Id.*

Counsel and his staff “inadvertently overlooked the Court’s Order,” but asserts that its failure to file the status report and updated prehearing statement was not intentional or in bad faith. *Id.* at 5–6.

2. Status Report

In its Status Report, Respondent asserts that it will not seek to file, nor does it intend to file, a dispositive motion in this matter. Status Rep. 1.

3. Updated Prehearing Statement

In its Prehearing Statement, Respondent identifies the primary issue in the case as whether Complainant can present sufficient evidence to support his allegations. R’s Prehr’g Statement 1. Respondent provides no proposed stipulations or admissions of fact. *Id.* Respondent lists one witness, Alma Habos. *Id.* Respondent lists two exhibits: (1) Job Vacancy Announcement 21-05-91117, and (2) an email sent to Complainant on June 28, 2021. *Id.* at 2.⁴

Finally, Respondent estimates that it can present its case in four hours. *Id.*

III. ORDER TO SHOW CAUSE

The Court must first determine whether to accept Respondent’s untimely filed status report and updated prehearing statement.

“[When considering] untimely filed submissions, the Court employs a standard of good cause in deciding whether to credit a party’s explanations and exercise discretion in accepting a late filing.” *United States v. De Jesus Corrales-Hernandez*, 17 OCAHO no. 1454, 3 (2022) (citing *MRD Landscaping & Maint., Corp.*, 15 OCAHO no. 1407c, 5 (2022)). OCAHO’s Rules of Practice and Procedure for Administrative Hearings⁵ do not specifically address what constitutes

⁴ Respondent also writes that “[i]f this case will proceed, then discovery in the form of deposition of Complainant would be helpful.” R’s Prehr’g Statement 2. The parties are not precluded from conducting a deposition in this matter; however they must be mindful of the parameters set forth in the Court’s August 8, 2022 Order. *See* Gen. Lit. Order 4.

⁵ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

good cause to accept a late filing. The Rules provide, however, that the Court may turn to the Federal Rules of Civil Procedure for guidance. 28 C.F.R. § 68.1.

“[Federal Rule of Civil Procedure] 6(b) permits a court, at its discretion, to accept a late filing when the movant’s failure to meet the deadline was the result of excusable neglect.” *Alexander v. Principi*, 16 F. App’x 755, 759 (9th Cir. 2001).⁶ Courts in the Ninth Circuit apply the following four-factor test to determine whether a party’s failure to meet a deadline constituted “excusable neglect”: “(1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1261 (9th Cir. 2010) (citations omitted); *see also Warkentin v. Federated Life Ins. Co.*, 594 F. App’x 900, 901 (9th Cir. 2014) (same).

The Court finds that Respondent did not timely file its prehearing statement because of excusable neglect. Respondent’s status report and updated prehearing statement were filed around six weeks after the deadline, Complainant was not prejudiced by the delay. Further, because this case is in a later stage (poised for a hearing in summer 2023); the six-week delay did not impact the pace at which this matter is advancing to hearing. *See* Order 3 (requesting the parties to inform the Court of any known periods of unavailability in June 2023 and July 2023). Respondent failed to timely file its prehearing statement because of travel or other personal reasons. While this is, arguably, not a compelling reason for missing a deadline, it does suggest an inadvertent, and not intentional, delay. *See* Order to Show Cause Resp. 5–6. Finally, Respondent appears to have acted in good faith. After the Court issued its Order to Show Cause, Respondent promptly submitted its status report and updated prehearing statement. *See id.*; *see also Ehere v. HawaiiUSA Fed. Credit Union*, 17 OCAHO no. 1471, 3 (2023).

For these reasons, the Court exercises its discretion to accept Respondent’s late-file status report and updated prehearing statement, and the Order to Show Cause is discharged.

IV. CLARIFICATION ON COMPLAINANT’S PREHEARING SUBMISSION

Now that both parties have submitted updated prehearing statements, this case will advance to hearing. *See* 28 C.F.R. §§ 68.2 (definition of a hearing). At hearing, the parties may submit oral evidence (witness testimony) and documentary evidence (exhibits) in the record. *See* 28 C.F.R. § 68.39 (formal hearings); § 68.40 (admissibility of evidence, objections); § 68.43 (exhibits); § 68.48 (record of hearings). The Complainant, who bears the burden of proof on the claims

⁶ Since the allegations at issue in this case occurred in the Northern Mariana Islands, the Court may look to the case law of the relevant United States Court of Appeals, here the Ninth Circuit. *See* 28 C.F.R. § 68.57.

alleged in the Complaint, presents his case first, followed by the Respondent, and concluding with an opportunity for the Complainant to submit rebuttal evidence. *See United States v. Fasakin*, 14 OCAHO no. 1375i, 3–4 (2022) (explaining the framework of presenting evidence at a hearing).

Upon review of the parties’ prehearing submissions (bearing in mind the Complainant’s pro se status, and the Court’s desire for an efficient hearing,)⁷ the Court notes the following.

Complainant alleges two distinct claims: a non-selection claim based on citizenship status and a retaliation claim. Compl. 5.⁸ Complainant must have evidence for each element of these distinct claims to prevail. Complainant cannot meet his burden of proof on his § 1324b claims by argument or evidence pertaining to alleged CW-1 visa fraud alone, or CNMI DOL labor practices alone. *See Zajradhara v. Ranni’s Corp.*, 16 OCAHO no. 1426d, 6 (2023) (citing *Zajradhara v. Ranni’s Corp.*, 16 OCAHO no. 1426a, 4 (2022)).⁹

C. Non-Selection Allegation (8 U.S.C. § 1324b(a)(1))

1. Complainant must provide preponderant evidence¹⁰ of his citizenship status. 8 U.S.C. §§ 1324b(a)(1)(A), (B).

⁷ *See* 28 C.F.R. § 68.1 (“[OCAHO] proceedings shall be conducted expeditiously[.]”); § 68.32 (“Hearings shall proceed with all reasonable speed, insofar as practicable[.]”).

⁸ The Court issued a stay of proceedings as to Complainant’s national origin discrimination claim in its January 11, 2023 Order on Complainant’s Motion to Compel and on Subject Matter Jurisdiction, finding that Complainant had not met his burden to allege subject matter jurisdiction over such a claim. *Zajradhara v. Algeric Gen. Servs., LLC*, 16 OCAHO no. 1432c, 5–7 (2023). The Court denied Complainant’s motion to reconsider that decision in its February 24, 2023 Order on Motions. *Zajradhara v. Algeric Gen. Servs., LLC*, 16 OCAHO no. 1432d, 4–6 (2023).

⁹ The Court provides this guidance because Complainant stated in a prehearing submission that his “sole reason” for filing charges of discrimination with IER is to “mathematically bring attention to the extreme misuse of our visa system in the CNMI . . . In a hopes that . . . this court shall observe for itself the extremes that these cw-1 workers and corrupt employers will go in order to defraud the American government.” C’s Prehr’g Statement 2. Complainant should understand that this hearing will be solely about his discrimination and retaliation claims under § 1324b.

¹⁰ “To prove an element by a preponderance of the evidence simply means to prove that something is more likely than not . . . [it also] means the greater weight of the evidence. [That] refers to the quality and persuasiveness of the evidence, not to the number of witnesses or documents.” Burden of Proof – Preponderance of Evidence, U.S. DIST. COURT VT.,

2. Complainant must provide preponderant evidence that Respondent has more than three employees.¹¹
3. Complainant must provide preponderant evidence of the existence of the position referenced in the Complaint, his application to that position, and his non-selection for that position.
4. Complainant must provide preponderant evidence to demonstrate the reason he was not selected for the position was “because of” his citizenship status. 8 U.S.C. § 1324b(a)(1).¹²

D. Retaliation on Account of INA 274B Protective Activity (8 U.S.C. § 1324b(a)(5))

1. Complainant must provide preponderant evidence that he engaged in an activity protected by 8 U.S.C. § 1324b(a)(5).¹³

<https://www.vtd.uscourts.gov/sites/vtd/files/BURDEN%20OF%20PROOF%20-%20PREPOND ERANCE%20OF%20EVIDENCE.pdf> (last visited Mar. 22, 2023); *see also* Preponderance of the Evidence, BLACK’S LAW DICTIONARY (11th ed. 2019).

¹¹ OCAHO has subject matter jurisdiction for claims based upon citizenship status if the employer employs more than 3 employees. *See United States v. Facebook, Inc.*, 14 OCAHO no. 1386b, 6–7 (2021) (citing 8 U.S.C. §§ 1324b(a)(1)(B), 1324b(a)(2)(A)).

¹² 8 U.S.C. § 1324b(a)(1) provides that “[i]t is an unfair immigration-related employment practice for a person or entity to discriminate against any individual . . . with respect to hiring, or recruitment or referral for a fee . . . because of such individual’s national origin or in the case of a protected individual . . . because of such individual’s citizenship status.”

¹³ “Employers are prohibited from intimidating or retaliating ‘against any individual for the purpose of interfering with any right or privilege secured under this section or because the individual intends to file or has filed a charge or a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.’” *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381d, 9 (2021) (quoting 8 U.S.C. § 1324b(a)(5)).

8 U.S.C. § 1324b(a)(5) “requires the triggering activity to be ‘under this section,’ and thus, it must relate [to] ‘the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment[.]’” *Id.* at 10 (citing 8 U.S.C. § 1324b(a)(1)).

2. Complainant must provide preponderant evidence that Respondent was aware of Complainant's protected activity.¹⁴
3. Complainant must provide preponderant evidence that he suffered an adverse employment action, or was otherwise retaliated against by Respondent.¹⁵
4. Complainant must provide preponderant evidence of the casual link between the protected activity and the retaliation by Respondent.¹⁶

E. Damages for Alleged INA 274B Violations (8 U.S.C. § 1324b(g)(2)(B))

1. If Complainant seeks monetary damages, he must provide preponderant evidence to support his calculations.¹⁷

Complainant cannot advance a successful retaliation by identifying a protected activity covered by a different statute. *See, e.g., id.* at 10–12 (citations omitted) (distinguishing activities that are protected ‘under this section,’ and activities that are outside this tribunal’s purview).

¹⁴ “To establish causation, the complainant must show that the decision-maker *knew* of the employee’s protected activity.” *Sivasankar v. Strategic Staffing Sols.*, 14 OCAHO no. 1354, 5 (2020) (citing *Sefic v. Marconi Wireless*, 9 OCAHO no. 1125, 17 (2007)) (emphasis added).

¹⁵ 8 U.S.C. § 1324b(a)(5) provides that is an “unfair immigration-related practice for a person or other entity to intimidate, threaten, coerce, or retaliate against any individual[,]” on account of that individual’s engagement in a protected activity.

¹⁶ As explained in *GIG Partners*, 14 OCAHO no. 1363, at 8 (internal citations and quotations omitted, with emphasis added):

The causal link between the protected activity and the respondent’s employment decision or intimidating, threatening, or coercive behavior must rise to the level of **‘but for’ causation** . . . in order to find that retaliation occurred, there must be some reason to believe that *but for the protected activity, the adverse employment decision would not have taken place.*

¹⁷ If the Complainant proves the allegations by a preponderance of the evidence, then “the types of monetary awards an ALJ may award is limited to back pay, front pay, [and] attorney’s fees[.]” *Ogunrinu v. Law Resources*, 13 OCAHO no. 1332h, 17 (2020); *see* 8 U.S.C. § 1324b(g)(2)(B). “Notably, such awards are discretionary.” *Ogunrinu v. Law Resources*, 13 OCAHO no. 1332j,

F. Proving INA 274B Allegations

Complainant must prove elements and damages by preponderant evidence. As is explained in greater detail *supra* Note 9, preponderant evidence means to prove that something is more likely than not. To prove a fact by preponderant evidence, a party can use direct or circumstantial evidence, and can utilize exhibits (documents) or credible witness testimony.

1. Direct and Circumstantial Evidence

The complainant may use direct evidence¹⁸ or circumstantial evidence¹⁹ to prove discrimination in hiring under 8 U.S.C. § 1324b(a)(1) and/or retaliation under 8 U.S.C. § 1324b(a)(5). *See*

19 (2021) (citing *Iron Workers Local 455 v. Lake Constr. & Dev. Corp.*, 7 OCAHO no. 964, 632, 696 (1997) (citing 8 U.S.C. § 1324b(g)(2)(B))

Complainant seeks back pay from June 16, 2021 in his Complaint. Compl. 10. “[B]ack pay awards compensate for the value of a job to the employee[.]” *Ogunrinu v. Office of the Chief Admin. Hearing Officer*, No. 21-1151, 2023 WL 2618686, at *6 2023 U.S. App. LEXIS 7189, at *15 (D.C. Cir. Mar. 24, 2023) (citing *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 421 (1975)). In calculating back pay, the ALJ weighs “the appropriate time period, the items to be included in the gross award, and the amounts by which an award may be reduced.” *Iron Workers Local 455*, 7 OCAHO no. at 696; *see United States v. Lasa Mktg. Firms*, 1 OCAHO no. 141, 950, 974 (1990) (citation omitted). Back pay is reduced by any “interim earnings or amounts earnable with reasonable diligence by the [discriminatee].” 8 U.S.C. § 1324b(g)(2)(C); *see Ogunrinu*, 2023 WL 2618686, at *5, 2023 U.S. App. LEXIS 7189, at *14 (“[T]he statute requires [OCAHO] to reduce back pay by any ‘[i]nterim earnings.’” (citation omitted)).

¹⁸ “Direct evidence is evidence that proves that fact at issue without the aid of any inference or presumption.” *Breda v. Kindred Braintree Hosp., LLC*, 10 OCAHO no. 1202, 13 (2013) (citing *Contreras v. Cascade Fruit Co.*, 9 OCAHO no. 1090, 11 (2003)). “Direct evidence . . . ordinarily means that there is either a facially discriminatory statement or policy, or an unambiguous admission that the actual protected characteristic was considered and affected the decision.” *Diversified Tech. & Servs. of Va., Inc.*, 9 OCAHO no. 1095, at 21 (citations omitted); *see Ogunrinu*, 13 OCAHO no. 1332j, at 9 (citation omitted) (noting the focus is on “the intentions of the decision maker – whether that person chose to engage in discriminatory acts because of the protected basis”).

If the complainant makes this showing, the burden shifts to the respondent to give a legitimate, non-discriminatory reason for the challenged employment action. *Ogunrinu*, 13 OCAHO no. 1332j, at 10–11 (citation omitted). If the respondent does so, the burden shifts back to the complainant to show the reason is pretextual. *Gonzalez-Hernandez v. Ariz. Family Health*

United States v. Diversified Tech. & Servs. of Va., Inc., 9 OCAHO no. 1095, 13 (2003) (citing *United States Postal Serv. Bd. of Governors v. Aikens*, 460 U.S. 711, 714 n.3 (1983)); *Ogunrinu*, 2023 WL 2618686, at *3, 2023 U.S. App. LEXIS 7189, at *7.

2. Witnesses (Testimonial Evidence)

Complainant identifies four witnesses and indicates that he wishes to cross-examine Respondent's witnesses. C's Prehr's Statement 4.

With the contents of this Order to serve as guidance, **Complainant must now provide an updated witness list with the following information: witness name, a brief summary of the nature of their testimony, and whether that testimony supports his allegation of non-selection and/or retaliation and/or damages.**

3. Exhibits (Documentary Evidence)

Complainant identifies proposed exhibits as: emails with Alma Habos, (Exs. 1–9); “What is Persona Non Grata,” (Ex. 10); “News Article,” (Ex. 11); “Opinion Article,” (Ex. 12); “Investing in American Workers,” (Ex. 13); “Letter to Michael McCaul,” (Ex. 14); “CNMI Persona Non Grata,” (Ex. 15); “Tom Tiffany,” (Ex. 16); “Bruce Westernman,” (Ex. 17); “Myanmar Company Proof,” (Ex. 18); “CNMI Attorney General Letter,” (Ex. 19); “CIS Article,” (Ex. 20); and “USDOJ SAZAMA,” (Ex. 21). *Id.* at 4.

With the contents of this Order to serve as guidance, **Complainant must now provide an updated list of exhibits. This updated list of exhibits should include all exhibits identified above, and any other exhibits Complainant desires to present to establish liability or prove damages. Complainant must indicate, for each exhibit, whether the exhibit supports his allegation of non-selection and/or retaliation and/or damages. Complainant should not submit the exhibits themselves.**

P'ship, 11 OCAHO no. 1254, 8 (2015) (citations omitted). In other words, the burden-shifting framework set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973) applies.

¹⁹ For circumstantial evidence, the complainant must present evidence that “1) an individual engaged in conduct protected by 8 U.S.C. § 1324b, 2) the employer was aware of the individual's protected conduct, 3) the individual suffered an adverse employment action, and 4) there was a causal connection between the protected activity and the adverse action.” *R.O. v. Crossmark, Inc.*, 11 OCAHO no. 1236, 6 (2014) (citations omitted). The *McDonnell Douglas* burden-shifting framework, explained above, applies.

V. CONCLUSION

The Court ORDERS Complainant to submit a filing that clarifies his prehearing submissions, based on the notes above, no later than May 28, 2023.

The Court FURTHER ORDERS the parties to state any known periods of unavailability in June and July 2023.

SO ORDERED.

Dated and entered on May 3, 2023.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge