

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

August 10, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324a Proceeding
)	OCAHO Case No. 2022A00044
)	
PATMO CONCRETE LLC,)	
Respondent.)	
_____)	

ORDER TO SHOW CAUSE

This case arises under 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 (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer on June 6, 2022. Complainant alleges that Respondent, Patmo Concrete LLC, failed to ensure proper completion of Forms I-9 for twenty individuals, in violation of § 1324a(a)(1)(B).

This office sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), a copy of the complaint, the Notice of Intent to Fine, and Respondent's request for a hearing on June 6, 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.¹

The U.S. Postal Service indicates service on Respondent on June 16, 2022, making an answer due no later than July 18, 2022. *See* §§ 68.3(a), 68.9(a). Respondent has not filed an answer.

The OCAHO Rules state that “[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.” § 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).

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

The Court therefore ORDERS Respondent, Patmo Concrete LLC, to file an answer that comports with 28 C.F.R. § 68.9(c), within twenty-one (21) days of the date of this Order. An answer includes “[a] statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation” and “[a] statement of fact supporting each affirmative defense.” § 68.9(c)(1)–(2).

The Court FURTHER ORDERS Respondent, Patmo Concrete LLC, to explain why it did not timely file an answer within twenty-one (21) days of the date of this Order.

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

SO ORDERED.

Dated and entered on August 10, 2022.

Honorable Jean C. King
Chief Administrative Law Judge