

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

March 15, 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 GRANTING RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME TO FILE
ANSWER AND SETTING INITIAL PREHEARING CONFERENCE

I. PROCEDURAL HISTORY

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.

This office sent Respondent a Notice of Case Assignment Regarding Unfair Immigration-Related Employment Practices (NOCA) and the Complaint on January 10, 2022, via certified U.S. mail to Respondent's address in Hillsboro, Oregon. The U.S. Postal Service website indicates Respondent received the documents on January 18, 2022. *See also* Mot. Enlargement Time 1. Thus, Respondent's Answer was due by February 17, 2022. *See* 28 C.F.R. § 68.9.

On February 28, 2022, Respondent's counsel filed Respondent's Notice of Appearance, Respondent's Motion for Enlargement of Time to Submit Answer (Motion for Enlargement of Time), and Answer to Complaint. Complainant's response to the motion, if any, was due by

March 7, 2022. *See* 28 C.F.R. § 68.11(b). To date, the Court has not received Complainant's response. Respondent's Motion for Enlargement of Time is deemed unopposed.

II. RESPONDENT'S MOTION FOR ENLARGEMENT OF TIME

Respondent confirmed its "Hawthorne Farms" campus received the NOCA and Complaint on January 18, 2022; however, the NOCA "only came to the attention of Respondent's legal department on February 18[.]" Mot. Enlargement Time 1. "[T]he delay in discovering and answering the Complaint is due to the unfortunate combination of staffing shortages, delivery to the incorrect campus that does not regularly receive service of process," and the COVID-19 pandemic's impact on operations. *Id.* at 1–2. Respondent asserts its legal department "immediately took steps to answer the complaint as expeditiously as possible." *Id.* at 2.

Respondent argues the "Complainant did not provide the correct address required under 28 C.F.R. § 68.3(a) to OCAHO for proper service," because the address Complainant provided was not the principal executive office or the registered agent for service of process in Oregon. *Id.* Ultimately, Respondent "will not dispute the propriety of service if its right to answer and challenge the Complaint on the merits is preserved." *Id.* at 3.

III. DISCUSSION

"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 Additionally, "OCAHO has found good cause in instances where litigants failed to meet procedural deadlines due to difficulties caused by the pandemic." *United States v. Treescapes, Inc.*, 15 OCAHO no. 1389 2–3 (2021) (first citing *Sinha v. Infosys*, 14 OCAHO no. 1373a, 3 (2021); and then citing *Woods v. Philips N. Am., LLC*, 14 OCAHO no. 1371, 2 (2020)); e.g., *United States v. AMA Repiping, LLC*, 15 OCAHO no. 1391, 4 (2021). Accordingly, Respondent has demonstrated good cause for its delay in filing an Answer.

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>.

Based on the foregoing, the Court GRANTS Respondent's unopposed Motion for Enlargement of Time. Respondent's Answer is deemed timely filed and will be entered into the record.² See *TreesCAPES*, 15 OCAHO no. 1389, at 3.

IV. INITIAL PREHEARING CONFERENCE

Further, the Court sets an initial telephonic prehearing conference on April 6, 2022 at 3 pm, PST. 28 C.F.R. §§ 68.5(a), 68.13.

Parties shall attend the prehearing conference by calling telephone number #####, and entering conference room number ##### with security code #####.

SO ORDERED.

Dated and entered on March 15, 2022.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² Respondent "will not dispute the propriety of service if its right to answer and challenge the Complaint on the merits is preserved." Because Respondent does not dispute the propriety of service, the Court declines to address the issue.