

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

March 30, 2022

ROBERT PAUL HEATH,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2022B00012
	)	
EUCLID INNOVATIONS,	)	
Respondent.	)	
_____	)	

ORDER OF INQUIRY

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Robert Heath, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on December 28, 2021. Complainant alleges that Respondent, Euclid Innovations, discriminated against him based on his national origin and citizenship status, and engaged in unfair documentary practices, in violation of 8 U.S.C. § 1324b.

On January 10, 2022, this office 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 on the complaint, 101 South Tryon Street, Suite 2410, Charlotte, NC 28202. However, the U.S. Postal Service (USPS) returned the first package to OCAHO as “Vacant.” OCAHO then attempted service on Respondent’s prior business address, 212 South Tryon Street, Suite 1370, Charlotte, NC 28202. USPS returned the second package to OCAHO as “Forward Expired.”

OCAHO attempted to serve the Respondent with the Complaint at every address found in the record and the address on the company’s website. When OCAHO encounters difficulties in perfecting service, it can seek the assistance of a party. *See* 28 C.F.R. § 68.3(c) (stating “the Administrative Law Judge may direct that a party execute service of process” when OCAHO encounters difficulties in perfecting service).¹

¹ Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2020).

As OCAHO is currently unable to serve the Complaint based on the information available to it, the undersigned is issuing this order of inquiry to determine if Complainant has or can find a functional U.S.-based mailing address for the Respondent.² The Complainant should respond as to whether he has a new address where Respondent can be served 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)). The Complaint may thus be dismissed if an address where service can be received is not identified.

SO ORDERED.

Dated and entered on March 30, 2022.

Honorable Jean C. King
Chief Administrative Law Judge

² The Complainant may wish to confer with the Immigrant and Employee Rights Section (IER).