

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

July 20, 2022

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324a Proceeding
	)	OCAHO Case No. 2022A00043
	)	
TRIPLE CROWN RESTAURANT GROUP LLC	)	
D/B/A OSETRA SEAFOOD AND STEAKS,	)	
Respondent.	)	
_____	)	

ORDER DIRECTING COMPLAINANT  
EXECUTE SERVICE OF PROCESS

This case arises under the Immigration and Nationality Act (INA), as amended by the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on May 26, 2022. Complainant alleges that Respondent, Triple Crown Restaurant Group LLC d/b/a Osetra Seafood and Steaks, engaged in multiple violations of 8 U.S.C. § 1324a(a)(1)(B).

On June 6, 2022, 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 (NIF), and Respondent’s request for a hearing, via U.S. certified mail. OCAHO sent these documents to the one address listed for Respondent on the complaint, the NIF, and the request for a hearing.

On July 15, 2022, OCAHO received the original NOCA package. The unopened NOCA package had the label “UNABLE TO FORWARD, RETURN TO SENDER,” with the unexecuted U.S. Postal Service Certified Mail Receipt still attached. Because Respondent did not receive the complaint, the Court finds that service has not been effectuated in accordance with OCAHO regulations.<sup>1</sup> See 28 C.F.R. § 68.3(b) (“Service is complete . . . upon receipt by addressee.”).

“In circumstances where [OCAHO] encounters difficulty with perfecting service, [OCAHO] may direct that a party execute service of process.” § 68.3(c). For 274A cases, the party directed to

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

execute service is DHS. *See, e.g., United States v. Vector Xpress, Inc.*, 16 OCAHO no. 1431 (2022); *United States v. Commander Produce, LLC*, 16 OCAHO no. 1428 (2022).<sup>2</sup>

The Court ORDERS Complainant to execute service of process by personally serving the complaint, NOCA, NIF, and the request for a hearing on Respondent. Service must comport with 28 C.F.R. § 68.3(a)(1) and be effectuated within twenty (20) days of the date of this Order.

IT IS FURTHER ORDERED that, within five (5) days of effectuating service, Complainant shall file with the Court proof of personal service on Respondent of the complaint and accompanying materials, and identify a functional U.S. mailing address for Respondent.

Should Complainant be unable to effectuate personal service on Respondent, Complainant shall notify the Court in writing within thirty (30) days from the date of this Order and may move to dismiss the complaint without prejudice.

SO ORDERED.

Dated and entered on July 20, 2022.

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Honorable Jean C. King  
Chief Administrative Law Judge

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<sup>2</sup> 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>.