

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

September 15, 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 TO SHOW CAUSE

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the United States 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 United States Postal Service (USPS) certified mail. OCAHO sent these documents to the address listed for Respondent on the complaint, the NIF, and the request for a hearing. On July 15, 2022, OCAHO received the original, unopened NOCA package with the unexecuted USPS Certified Mail Receipt still attached, and the notation “UNABLE TO FORWARD, RETURN TO SENDER.”

On July 20, 2022, this Court issued an Order Directing Complainant Execute Service of Process, ordering Complainant to execute service of process by personally serving the Complaint, NOCA, NIF, and the request for a hearing on Respondent. *United States v. Triple Crown Rest. Grp., LLC*, 16 OCAHO no. 1444, 1–2 (2022).¹ On August 2, 2022, the Complainant filed a Notice of Personal

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,

Service and Verification of Mailing Process. Complainant’s filing included a certification that Complainant’s agent served the complaint and attachments on the Respondent, and Respondent verified the mailing address. The certification indicates that the Complainant personally served Respondent on July 27, 2022, making an answer due no later than August 29, 2022. *See* 28 C.F.R. §§ 68.3(a), 68.9(a).² To date, 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). In addition, a request for a hearing may be dismissed upon its abandonment by the party who filed it, and a party shall be deemed to have abandoned such a request where the party or its representative fails to respond to orders issued by the Administrative Law Judge. 28 C.F.R. § 68.37(b)(1); *United States v. Louie’s Wine Dive LLC*, 15 OCAHO no. 1404, 2 (2021); *Hosung Cleaning Corp.*, 4 OCAHO no. 681, 776, 777-78 (1994).

The Court **ORDERS** Respondent, Triple Crown Restaurant Group LLC d/b/a Osetra Seafood and Steaks, to file a response with the Court within twenty-one days of the date of this Order, in which it must provide facts sufficient to show good cause for its failure to file an answer to the complaint in this case.

The Court **FURTHER ORDERS** Respondent, Triple Crown Restaurant Group LLC d/b/a Osetra Seafood and Steaks, to file an answer to the complaint that comports with 28 C.F.R. § 68.9, within twenty-one days of the date of this Order.³

Upon receipt of Respondent's filings, the Court will determine if Respondent has demonstrated the requisite good cause for failing to file its answer to the complaint and will decide whether to allow its untimely answer.

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>.

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

³ Pursuant to 28 C.F.R. § 68.9, 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).

If Respondent fails to respond as ordered or cannot show good cause for its failure to timely answer the complaint, the Court may enter a default judgment against it pursuant to 28 C.F.R. § 68.9(b), or the Court may conclude that Respondent has abandoned its request for a hearing and dismiss the complaint. 28 C.F.R. § 68.37(b).

SO ORDERED.

Dated and entered on September 15, 2022.

Honorable Jean C. King
Chief Administrative Law Judge