

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

UNITED STATES OF AMERICA,)
Complainant,)
)
v.) 8 U.S.C. §1324a Proceeding
) CASE NO. 92A00102
RON EAGLEY d.b.a.,)
GWENNIE'S OLD ALASKA)
RESTAURANT,)
Respondent.)
_____)

ORDER ACCEPTING RESPONDENT'S CERTIFICATE OF SERVICE

On June 1, 1992, Respondent filed an Answer, dated May 28, 1992, to the Complaint. However, Respondent, who is pro-se, neglected to include a Certificate of Service with the Answer.

As such, I sent Respondent a letter on June 2, 1992, copies to all parties, which outlined the need and requirements for a Certificate of Service, along with a sample certificate for Respondent's use. See 28 C.F.R. 68.6* (1991). On June 8, 1992, Respondent filed a Certificate of Service in which he certified that he mailed copies of the Answer to the required individuals. However, Respondent certified that he had signed, as well as served, the Certificate on May 29, 1992.

Due to the chronological sequence of events, the facts support two scenarios. First, Respondent did in fact affirm and serve on May 29, 1992 as stated in the Certificate of Service but neglected for one reason or another to file it with the Court. Second, as Respondent did not become aware of the requirement for a Certificate of Service until he received my letter of June 2, 1992, he filled out the Certificate of

* Citations are to the OCAHO Rules of Practice and Procedure for Administrative Hearings as amended in the Interim Rule published in 56 Fed. Reg. 50049 (1991) (to be codified at 28 C.F.R. Part 68) (hereinafter cited as 28 C.F.R. Section 68).

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Service in the manner it would have been done if it had been completed at the proper time.

Based on the fact that Respondent is pro-se, I will accept the Certificate of Service and ascribe to it the meaning that Respondent certifies that its Answer was served on the parties on May 29, 1992. This complies with the regulatory requirement of 28 C.F.R. 68.6(a) which states that the person serving the document shall certify the date and manner of service.

In the further, all Certificates of Service should be dated and signed on the date that service is made and a copy of the Certificate should accompany each copy of the document being served.

IT IS SO ORDERED this 9th day of June, 1992, at San Diego, California.

E. MILTON FROSBURG
Administrative Law Judge