

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER
ADMINISTRATIVE REVIEW AND ACTION BY THE CHIEF ADMINISTRATIVE HEARING
OFFICER**

United States of America, Complainant v. Citizens Utilities Company, Inc., Incorporated Telephone Division, Respondent; 8 U.S.C. 1324a Proceeding; Case No. 89100211.

**AFFIRMATION BY THE CHIEF ADMINISTRATIVE HEARING OFFICER OF THE
ADMINISTRATIVE LAW JUDGE'S DECISION AND ORDER**

On April 27, 1989, the United States of America, by and through its agency, the Immigration and Naturalization Service (hereinafter INS), filed a complaint with the Office of the Chief Administrative Hearing Officer against Citizens Utilities Company, Inc. (hereinafter Citizens). The INS charged Citizens with violations of the Immigration Reform and Control Act of 1986, codified at 8 U.S.C. § 1324a. Specifically, the INS alleged twenty one paperwork violations, i.e. failure to properly complete Section 2 of the Employment Eligibility Verification Form (Form I-9). The INS requested that a civil money penalty be assessed in the amount of \$3,150.00.

On May 2, 1989, the Honorable E. Milton Frosburg, Administrative Law Judge, was assigned to this case. On May 11, 1989, the Administrative Law Judge received Citizens' Answer, entitled, ``Answer to Notice of Intent to Fine.'' On September 25, 1989, Citizens filed an amended answer with the Administrative Law Judge, entitled ``Citizen's First Amended Answer to Notice of Intent to Fine and Complaint.'' Subsequently, the Administrative Law Judge issued an Order entitled ``Order Accepting Respondent's Amended Answer,'' signed and dated September 25, 1989.

On October 30, 1989, the INS filed with the Administrative Law Judge a ``Motion for Partial Summary Decision,'' along with a Memorandum in Support of the Motion. On October 31, 1989, Citizens also filed a Motion for Partial Summary Decision with the Administrative Law Judge. On December 5, 1989, the Administrative

Law Judge issued a Decision and Order, entitled ``Decision and Order Denying Respondent's Motion for Partial Summary Decision and Granting Complainant's Motion for Partial Summary Decision on Respondent's Third Affirmative Defense.``

On December 18, 1989, Citizens filed a request for review with the Office of the Chief Administrative Hearing Officer, asking that the Administrative Law Judge's Decision and Order be vacated.

ACCORDINGLY,

The Chief Administrative Hearing Officer has conducted a review of the Administrative Law Judge's Decision and Order. The issues presented on review and the record as a whole have been carefully considered. Therefore, pursuant to Title 8, United States Code, Section § 1324a(e)(7) and 28 C.F.R. § 68.51, the Chief Administrative Hearing Officer hereby affirms the Administrative Law Judge's Decision and Order of December 5, 1989.

SO ORDERED.

Dated: January 3, 1990.

RONALD J. VINCOLI
Acting Chief Administrative Hearing Officer