

**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. Collins Foods International, Inc. dba Sizzler Restaurant, Respondent; 8 U.S.C. 1324a Proceeding; Case No. 89100084.

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

On February 13, 1989, the United States of America, by and through its agency, the Immigration and Naturalization Service (hereinafter Complainant), filed a complaint with the Office of the Chief Administrative Hearing Officer (hereinafter OCAHO) against the Respondent, Collins Food International, Inc., d/b/a Sizzler Restaurant (hereinafter Respondent). The Complainant charged Respondent with violations of the Immigration Reform and Control Act of 1986, codified at 8 U.S.C. §1324a. The Complainant alleged one violation for knowingly hiring an unauthorized alien, 8 U.S.C. §1324a(a)(1)(A), (Count I) and eight violations for failure to comply with the employment verification system (hereinafter paperwork violations), 8 U.S.C. §1324a(b), (Counts II-IX). The Complainant requested that a cease and desist order be issued for Count I and a civil money penalty be assessed for Counts I through IX in the amount of two thousand three hundred dollars (\$2,300).

On February 22, 1989, the Honorable E. Milton Frosburg, Administrative Law Judge, was assigned to this case by the OCAHO. On March 27, 1989, the Administrative Law Judge received Respondent's Answer.

The Administrative Law Judge issued an order, entitled ``Decision and Order Granting Complainant's Motion for Partial Summary Decision,' dated July 13, 1989. In this Order, the Administrative Law Judge found Respondent liable for Counts II through IX (the paperwork violations) and assessed a civil money penalty in the amount of one thousand dollars (\$1,000).

On January 9, 1990, the Administrative Law Judge issued a final order, entitled ``Decision and Order.'' The Respondent subsequently filed a request for administrative review, received by the OCAHO on January 19, 1990.

ACCORDINGLY,

The Chief Administrative Hearing Officer has conducted a review of the Administrative Law Judge's Decision and Order of January 9, 1990. The briefs filed by both parties and the record as a whole have been carefully considered. Pursuant to Title 8 U.S.C. §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.

SO ORDERED: This 8th day of February, 1990.

JACK E. PERKINS
Chief Administrative Hearing Officer