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United States v. Mark's Electrical Contracting Corporation	4 OCAHO	641	(1994)
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United States v. Mourad Abu Remileh 4 OCAHO 680 (1994)
United States v. Nancy Mubarki 5 OCAHO 816 (1995)
United States v. Pan American Supply Company, Inc. 5 OCAHO 804 (1995)
United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)
United States v. Ziagul Zekreya 4 OCAHO 683 (1994)

ATTORNEY FEES

Application For Fees Must Include Time Expended and Rate At Which Fees Were Computed

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)

Attorney Fees Can Be Awarded Only to a Prevailing Party

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)
United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)
Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Attorney Fees Unavailable Where Government's Position Was Substantially Justified

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

Authority of Chief Administrative Hearing Officer to Review

Mester Manufacturing Company v. United States 1 OCAHO 44 (1989)

Dismissal

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Elizabeth A. Kalil v. Utica City School District 9 OCAHO 1103 (2003)

Fee Applicant Bears Burden of Showing the Reasonableness of Hours Worked and Rate Claimed

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)

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Esther Din Brooks v. Watts Window World	3	OCAHO	570	(1993)
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Gaylon D. Shepherd v. Sturm, Ruger & Company, Inc.	7	OCAHO	990	(1998)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Jarvis v. AK Steel	7	OCAHO	952	(1997)
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United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors	1	OCAHO	119	(1989)
United States v. Mourad Abu Remileh	6	OCAHO	864	(1996)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)
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Not Permitted as Sanction for Failure to Comply With Discovery Order

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Prevailing Complainant Not Awarded Costs and Other Expenses

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Earl Russel Horne v. Town of Hampstead 7 OCAHO 959 (1997)

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Michael K. Lee v. Airtouch Communications 7 OCAHO 926 (1997)

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United States v. Auburn University 4 OCAHO 688 (1994)

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Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 8 OCAHO 1016 (1998)

Prevailing Party Determination Requires Merits Decision or Consent Decree

Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Prevailing Party in Section 1324b Cases Generally Not Entitled to Costs and Incidental Expenses

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)

Prevailing Party is Presumed to be Entitled to an Award of Attorney's Fees

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Prevailing Plaintiff Is Presumed To Be Entitled To An Award of Attorney's Fees

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)

Prevailing Respondent Awarded Fees Only If Complaint is Without Reasonable Foundation in Law or Fact

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)

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Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)

Jose Jasso v. Danbury Hilton & Towers 3 OCAHO 566 (1993)

Maria Fuentes v. Grace Culinary Systems 6 OCAHO 873 (1996)

Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)

Pro Se Litigant Is Not Entitled to Claim Attorney's Fees for Representing Himself

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Reasonableness Standard

Charo's Corporation d/b/a Charo's Restaurant v. United States 5 OCAHO 761 (1995)

Earl Russel Horne v. Town of Hampstead 7 OCAHO 959 (1997)

Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 7 OCAHO 969 (1997)

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United States v. Great Earth Companies, Inc. 9 OCAHO 1070 (2001)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)

United States v. Zabala Vineyards 6 OCAHO 844 (1996)

Substantial Justification

Charo's Corporation d/b/a Charo's Restaurant v. United States 5 OCAHO 761 (1995)

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Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3 OCAHO	438	(1992)
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Omar Egal v. Sears Roebuck & Company	3 OCAHO	442	(1992)
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Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Howard Eugene McNier v. San Francisco State University College of Business 8 OCAHO 1034 (1999)

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)

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Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 79 (1989)

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Leonid Naginsky v. Department of Defense 5 OCAHO 795 (1995)

United States v. San Diego Semiconductors, Inc. 1 OCAHO 179 (1990)

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United States v. Swift & Co. 9 OCAHO 1073 (2001)
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Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

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United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)
United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center 1 OCAHO 135 (1990)
United States v. DAR Distributing, Inc. d/b/a DAR Cabinets 1 OCAHO 60 (1989)
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United States v. James Q. Carlson d/b/a Jimmy On The Spot 1 OCAHO 264 (1990)
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United States v. Sparky's Waterfront Saloon, Inc. 1 OCAHO 126 (1990)
United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 51 (1989)
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United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)

Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

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United States v. Simon Osagie Iyawe 5 OCAHO 744 (1995)
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United States v. Mario Saikhon, Inc. 1 OCAHO 279 (1990)
United States v. Mester Manufacturing Company 1 OCAHO 18 (1988)
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United States v. Big Bear Market	1 OCAHO	48	(1989)
United States v. Citizen's Utilities Company, Inc., Telephone Division	1 OCAHO	109	(1989)
United States v. Interdynamics, Inc.	3 OCAHO	433	(1992)
United States v. Mester Manufacturing Company	1 OCAHO	18	(1988)
United States v. New El Rey Sausage Company	1 OCAHO	78	(1989)
United States v. The Body Shop	1 OCAHO	149	(1990)
United States v. Walia's, Inc. d/b/a Walia's Restaurant	1 OCAHO	122	(1990)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3 OCAHO	399	(1992)

Standard for Issuing a Citation (Reason to believe)

United States v. New El Rey Sausage Company	1 OCAHO	78	(1989)
United States v. The Body Shop	1 OCAHO	149	(1990)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3 OCAHO	399	(1992)

CIVIL MONEY PENALTY

Ability to Pay May Be Appropriate Factor to Consider

United States v. Metropolitan Warehouse, Inc.	10 OCAHO	1207	(2013)
United States v. Mr. Mike's Pizza, Inc.	10 OCAHO	1196	(2013)
United States v. Niche, Inc.	11 OCAHO	1250	(2015)
United States v. The Red Coach Restaurant, Inc.	10 OCAHO	1200	(2013)

Across-the-Board Enhancement for Presence of Only Some Unauthorized Workers Not Permitted

United States v. Jalisco's Bar and Grill, Inc.	11 OCAHO	1224	(2014)
United States v. Natural Environmental, Inc.	10 OCAHO	1197	(2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253	(2015)

Aggravation

United States v. Forsch Polymer Corporation	10 OCAHO	1156	(2012)

United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
United States v. Nebeker, Inc. 10 OCAHO 1165 (2013)
United States v. New China Buffet Restaurant 10 OCAHO 1132 (2010)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 958 (1997)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)
United States v. Taste of China 10 OCAHO 1164 (2013)
Government Must Prove Existence of Aggravation Factor by Preponderance of Evidence
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
Lack of good faith
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)
Aggravation - Lack of Good Faith
United States v. Modern Disposal Incorporated 10 OCAHO 1175 (2013)
Aggravation Based on Employer's Size of Business
United States v. Modern Disposal Incorporated 10 OCAHO 1175 (2013)
Franchisee/Franchisor
United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)
United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)
ALJ Can Consider Public Policy of Leniency to Small Entities
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
ALJ Erred in Reducing Fine to Minimum Bases on Erroneous Assumption of Government Overreach

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)
ALJ has Discretion to Adopt ICE's Proposed Penalty Where it is Proportionate and Suitable

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
United States v. Durable, Inc. 11 OCAHO 1221 (2014)
ALJ Not Bound by ICE's Method of Calculating Penalties

United States v. Durable, Inc. 11 OCAHO 1221 (2014)
ALJ Not Required to Make Individualized Findings Regarding Each Violation

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
An Employer Demonstrates Bad Faith by Paying Unauthorized Workers in Cash Under the Table

United States v. Symmetric Solutions, Incorporated d/b/a Minerva Indian Cuisine 10 OCAHO 1209 (2014)
Assessment of Penalty Greater Than Requested

United States v. Aid Maintenance Company, Inc. 8 OCAHO 1023 (1999)
Bad Faith Requires a Showing of Culpable Conduct Beyond Respondent's Verification Failures

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)
United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
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United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)

United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)

Certain Statutory Factors May Be More Compelling Than Others in the Context of a Specific Case

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

Change of Corporate Ownership After a Violation Does Not Affect History of Violations Factor

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Company Tax Losses Do Not Necessarily Establish Poor Financial Condition or Inability To Pay

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)

Compliance

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)

United States v. El Paso Hospitality, Inc. 5 OCAHO 737 (1995)

United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)

Culpable Conduct Can Be Shown by Evidence that Employer Tried to Mislead Government

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Definition

United States v. Furr's/Bishop's Cafeterias d/b/a Furr's Cafeterias 2 OCAHO 330 (1991)

Deliberate Violation of Multiple Laws Governing Employer Conduct Merits Maximum Penalty

United States v. Symmetric Solutions, Incorporated d/b/a Minerva Indian Cuisine 10 OCAHO 1209 (2014)

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United States v. Monfort, Inc. 4 OCAHO 597 (1994)

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United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)

Employer Knowledge of Employee's Unauthorized Status Not Necessary to Enhance Fine

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Enhancement Factor Based on Whether Specific Individual was Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)

United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)

United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)

United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)

United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Excessive Fines Clause of Eighth Amendment Applies to Fines That Are Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Excessive Money Penalties

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

United States v. La Hacienda Mexican Café 10 OCAHO 1167 (2013)

United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)

United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)

United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)

United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)

United States v. Pedro Dominguez 6 OCAHO 878 (1996)

United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1195 (2013)

Excessiveness Determined Relative to Characteristics of Offense, Not Offender

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

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United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)

United States v. Fortune East Fashion, Inc. 7 OCAHO 992 (1998)

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United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 958 (1997)

United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)

Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

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United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Prepare I-9 More Serious Than Paperwork Violations

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Failure to Present I-9 Forms Due to Loss Is Still a Serious Violation

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Properly Complete I-9 Less Serious Than Failure to Present I-9

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Failure to Show That Certain Individuals Were Unauthorized Does Not Require Mitigation

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

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United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)
United States v. A-Plus Roofing, Inc.	1	OCAHO	209	(1990)
United States v. Applied Computer Technology	2	OCAHO	367	(1991)
United States v. Armando Alvarez-Suarez	6	OCAHO	862	(1996)
United States v. Big Bear Market	1	OCAHO	48	(1989)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio	4	OCAHO	719	(1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1	OCAHO	151	(1990)
United States v. Busy Corner Sportswear, Inc.	3	OCAHO	511	(1993)
United States v. Camidor Properties, Inc.	1	OCAHO	299	(1991)
United States v. Carlos Cruz d/b/a La Rosa Bakery	3	OCAHO	453	(1992)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	794	(1995)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	803	(1995)
United States v. Chuy's Paint & Body Shop	1	OCAHO	19	(1988)
United States v. Citizen's Utilities Company, Inc., Telephone Division	1	OCAHO	109	(1989)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	67	(1989)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Danny Mathis d/b/a Mathis Maspory	5	OCAHO	752	(1995)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. Dodge Printing Centers, Inc.	1	OCAHO	125	(1990)
United States v. Dr. Merrill Cahn, D.P.M.	1	OCAHO	127	(1990)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. El Azteca Dunkirk, Inc.	10	OCAHO	1172	(2013)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)

United States v. Felipe, Inc.	1	OCAHO	108	(1989)
United States v. Galilee Fashions, Inc.	4	OCAHO	697	(1994)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
United States v. Gloria Fashions, Inc.	6	OCAHO	887	(1996)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5	OCAHO	756	(1995)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. Jesus Satarain, Individually	3	OCAHO	557	(1993)
United States v. Jimmy Bai Huang d/b/a Great Wall Chinese Restaurant	1	OCAHO	300	(1991)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	512	(1993)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. La Casona d/b/a La Casona Mexican Restaurant	4	OCAHO	712	(1994)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1	OCAHO	45	(1989)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Mester Manufacturing Company	1	OCAHO	18	(1988)
United States v. Minaco Fashions, Inc.	3	OCAHO	552	(1993)
United States v. Monfort, Inc.	4	OCAHO	597	(1994)
United States v. Nancy Mubarki	5	OCAHO	816	(1995)
United States v. Neighbors of Hawaii d/b/a Tower of Power	1	OCAHO	262	(1990)

United States v. New China Buffet Restaurant	10	OCAHO	1132	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	319	(1991)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Onion River Sports, Inc.	4	OCAHO	673	(1994)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. Pedro Dominguez	7	OCAHO	972	(1997)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Robert Griffin d/b/a Griff's Landscape	1	OCAHO	50	(1989)
United States v. Robison Fruit Ranch, Inc.	6	OCAHO	855	(1996)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. San Ysidro Ranch	1	OCAHO	183	(1990)
United States v. Satarain, Individually	3	OCAHO	557	(1993)
United States v. SDI Industries, Inc.	3	OCAHO	465	(1992)
United States v. Sea Pine Inn, Inc. t/a Sea Pine Inn	1	OCAHO	87	(1989)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. Snack Attack Deli, Inc.	10	OCAHO	1137	(2010)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	563	(1993)
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United States v. The Beverly Center	5	OCAHO	762	(1995)
United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben	1	OCAHO	191	(1990)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	445	(1992)
United States v. Tuttle's Design Build, Inc.	3	OCAHO	422	(1992)

United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	449	(1992)
United States v. Visit USA Bureau - San Francisco, Inc.	1	OCAHO	155	(1990)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)
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Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection				
United States v. Hartmann Studios, Inc.	11	OCAHO	1255	(2015)
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United States v. Danny Mathis d/b/a Mathis Maspory	4	OCAHO	717	(1994)
United States v. Danny Mathis d/b/a Mathis Maspory	5	OCAHO	752	(1995)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
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United States v. Karnival Fashion, Inc.	5	OCAHO	783	(1995)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5	OCAHO	819	(1995)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6	OCAHO	865	(1996)
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United States v. Mesabi Bituminous, Inc.	5 OCAHO	801	(1995)
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United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7 OCAHO	974	(1997)
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United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7 OCAHO	958	(1997)
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United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5 OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4 OCAHO	625	(1994)
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Government Bears Burden of Proving Penalty and Aggravating Factor by Preponderance of Evidence

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Government Bears the Burden of Proof on Penalty and Aggravating Factors

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Government Must Prove Aggravating Factor by Preponderance of Evidence

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United States v. Four Star Knitting, Inc.	6 OCAHO	868	(1996)
United States v. Giamblis Enterprises	6 OCAHO	834	(1996)
United States v. Great Bend Packing Company	6 OCAHO	835	(1996)
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United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	4 OCAHO	637	(1994)
United States v. Ricardo Calderon, Inc.	6 OCAHO	832	(1996)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6 OCAHO	848	(1996)
United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)
United States v. Tri-Component Product Corporation	6 OCAHO	853	(1996)

INS Guidelines

United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7 OCAHO	986	(1998)
United States v. Pedro Dominguez	8 OCAHO	1000	(1998)
United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)
United States v. Williams Produce, Inc.	5 OCAHO	730	(1995)

Instruction Given to Respondent to Refrain from Backdating Put Respondent on Notice of Prohibition

United States v. Kobe Sapporo Japanese, Inc.	10 OCAHO	1204	(2013)

Knowing Hire

United States v. Occupational Resource Management, Inc.	10 OCAHO	1166	(2013)
United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)

Knowing Hire Violations Are Far More Serious Than Any Paperwork Violations

United States v. Foothill Packing, Inc.	11 OCAHO	1240	(2015)
United States v. Jalisco's Bar and Grill, Inc.	11 OCAHO	1224	(2014)

Lack of History of Previous Violations Does Not Require the ALJ to Mitigate Civil Penalty

United States v. Romans Racing Stables, Inc.	11	OCAHO	1230	(2014)
United States v. The Red Coach Restaurant, Inc.	10	OCAHO	1200	(2013)

Leniency Toward Small Entities

United States v. Clean Sweep Janitor Service	11	OCAHO	1226	(2014)
United States v. Crescent City Meat Company, Inc.	11	OCAHO	1223	(2014)
United States v. Kenneth McPeek Racing Stables, Inc.	11	OCAHO	1249	(2015)
United States v. Mr. Mike's Pizza, Inc.	10	OCAHO	1196	(2013)
United States v. New Outlook Homecare, LLC	10	OCAHO	1210	(2014)

Mitigation

United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing	3	OCAHO	494	(1993)
United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)
United States v. American McNair, Inc.	1	OCAHO	285	(1991)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	758	(1995)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3	OCAHO	462	(1992)
United States v. Applied Computer Technology	2	OCAHO	367	(1991)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	200	(1990)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
United States v. Big Bear Market	1	OCAHO	48	(1989)
United States v. Boo Bears Den	1	OCAHO	71	(1989)
United States v. Broadway Tire, Inc.	1	OCAHO	226	(1990)
United States v. Broadway Tire, Inc.	2	OCAHO	310	(1991)
United States v. Business Teleconsultants, Ltd.	3	OCAHO	536	(1993)

United States v. Business Teleconsultants, Ltd.	3	OCAHO	565	(1993)
United States v. Busy Corner Sportswear, Inc.	3	OCAHO	511	(1993)
United States v. Cafe Camino Real, Inc.	2	OCAHO	307	(1991)
United States v. Camidor Properties, Inc.	1	OCAHO	299	(1991)
United States v. Carlos Cruz d/b/a La Rosa Bakery	3	OCAHO	453	(1992)
United States v. Central Nebraska Packing, Inc.	4	OCAHO	714	(1994)
United States v. Charles C. W. Wu d/b/a Airport Budget Hotel	3	OCAHO	434	(1992)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	369	(1991)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	803	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	67	(1989)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Danny Mathis d/b/a Mathis Maspory	4	OCAHO	717	(1994)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)
United States v. Dodge Printing Centers, Inc.	1	OCAHO	125	(1990)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
United States v. El Centenario, Inc. d/b/a Las Margaritas III	1	OCAHO	24	(1988)
United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
United States v. Enrique Reyes d/b/a King's Produce	4	OCAHO	592	(1994)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Exim, Inc. and Jaime Monardes, Individually	4	OCAHO	604	(1994)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)

United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	6	OCAHO	834	(1996)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Great Bend Packing Company	6	OCAHO	835	(1996)
United States v. GRS, Inc. d/b/a Gasket Engineering	4	OCAHO	627	(1994)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. H&H Saguaro Specialists	10	OCAHO	1147	(2012)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5	OCAHO	756	(1995)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1	OCAHO	195	(1990)
United States v. Jimmy Bai Huang d/b/a Great Wall Chinese Restaurant	1	OCAHO	300	(1991)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	2	OCAHO	394	(1990)
United States v. John W. Guewell & Alfred P. Cooper d/b/a Wagco Security Services	3	OCAHO	478	(1992)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	512	(1993)
United States v. Joo Hyun Y and Hyung Jin Cho d/b/a LA Connection	3	OCAHO	403	(1992)
United States v. Juan V. Acevedo	1	OCAHO	95	(1989)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5	OCAHO	819	(1995)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	24	(1988)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)
United States v. LeMerengo/Rumors Restaurant	1	OCAHO	157	(1990)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)

United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	166	(1990)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Masoud Pour d/b/a La Plaza Restaurant	1	OCAHO	164	(1990)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1	OCAHO	154	(1990)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. Morgan's Mexican & Lebanese Foods, Inc.	8	OCAHO	1013	(1998)
United States v. Mourad Abu Remileh	6	OCAHO	825	(1995)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. New China Buffet Restaurant	10	OCAHO	1132	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	4	OCAHO	652	(1994)
United States v. Park Sunset Hotel	3	OCAHO	525	(1993)
United States v. Pedro Dominguez	8	OCAHO	1000	(1998)
United States v. Pegasus Restaurant, Inc.	10	OCAHO	1143	(2012)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	559	(1993)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Ramon Yamamoto d/b/a Elvis Palace Restaurant	3	OCAHO	424	(1992)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	4	OCAHO	637	(1994)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
United States v. Richard Pizzuto Dimensions in Hair and Skin	3	OCAHO	447	(1992)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Robert Griffin d/b/a Griff's Landscape	1	OCAHO	50	(1989)

United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)
United States v. Roberto C. Davila	7	OCAHO	936	(1997)
United States v. Ron Eagley d/b/a Gwennie's Old Alaska Restaurant	3	OCAHO	435	(1992)
United States v. Rosario Cuevas d/b/a El Pollo Real	1	OCAHO	273	(1990)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Saeed Rahimzadeh Corporation	3	OCAHO	551	(1993)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5	OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
United States v. The Body Shop	1	OCAHO	185	(1990)
United States v. Thomas R. Heisler, Individually and d/b/a The Playground Bar	1	OCAHO	150	(1990)
United States v. Tri-Component Product Corporation	6	OCAHO	853	(1996)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	449	(1992)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)
United States v. Wood 'N Stuff	3	OCAHO	574	(1993)
No Deterrent Effect When Employer Is No Longer in Business				
United States v. Leed Construction, Megan Burkholder	11	OCAHO	1237	(2014)
Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized				
Margarita Garcia Ocana v. El Dorado Stone, LLC	11	OCAHO	1244	(2015)
United States v. Liberty Packaging, Inc.	11	OCAHO	1245	(2015)
United States v. Natural Environmental, Inc.	10	OCAHO	1197	(2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11	OCAHO	1253	(2015)

Notices of Discrepancies or Suspect Documents Do Not Alone Prove Employee Is Unauthorized

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

OCAHO Has No Authority to Dictate Methods Other Agency Uses to Assess Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

OCAHO May Examine ICE Fine de novo

United States v. Senox Corporation 11 OCAHO 1219 (2014)

OCAHO Reviews Penalty Question De Novo

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

Offender's Resources Not Required Consideration In Assessing Penalty

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

Paperwork Violation Penalties Are Prophylactic and Corrective, Not Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

Pattern or Practice

United States v. Pancho's Mexican Buffet, Inc. 4 OCAHO 632 (1994)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
United States v. Symmetric Solutions, Incorporated d/b/a Minerva Indian Cuisine 10 OCAHO 1209 (2014)

Penalties Should Deter Future Violations Without Being Unduly Punitive

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Penalties Should Have a Deterrent Effect and Not Be Merely a Cost of Doing Business

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
Penalties Should Not Be Disproportionate to Employer's Revenue

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
Penalty is Excessive When it is Disproportionate to the Gravity of the Offense

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)
Penalty Within Statutory Range Presumed Valid Under Eighth Amendment Excessive Fines Clause

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Person or Entity
Definition
United States v. Furr's/Bishop's Cafeterias d/b/a Furr's Cafeterias 2 OCAHO 330 (1991)
Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)
Previous Violation(s)

United States v. Draper-King Cole, Inc. 7 OCAHO 933 (1997)
Principal Goal Is To Enhance Probability of Future Compliance

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Prophylactic Purpose Best Served When Penalty Is Significant Enough to Prompt Change of Behavior

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Proportionality is Critical in Setting Penalties

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)
United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)
United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
Proportionality of Fine Judged Relative to Gravity of Violations and Size of Business

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
Purpose is to Deter Repeat Violations and Encourage Others to Comply

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
Reasonable

United States v. Silverado Stages, Inc. 10 OCAHO 1182 (2013)
Reasonableness Based On Record As Whole and Statutory Factors in Particular

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Seriousness of Violation Evaluated on Continuum Because Not All Violations Are Equally Serious

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Seriousness of Violation(s)

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5	OCAHO	794	(1995)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. El Paso Hospitality, Inc.	5	OCAHO	737	(1995)
United States v. Fortune East Fashion, Inc.	7	OCAHO	992	(1998)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Golf International d/b/a Desert Canyon Golf	11	OCAHO	1222	(2014)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Monadnock Mountain Spring Water, Inc.	10	OCAHO	1193	(2013)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
United States v. Occupational Resource Management, Inc.	10	OCAHO	1166	(2013)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Snack Attack Deli, Inc.	10	OCAHO	1137	(2010)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
Failure to Complete I-9 prior to Notice of Inspection				
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc.	10	OCAHO	1174	(2013)
Should Deter Future Violations Without Being Unduly Punitive				
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites	11	OCAHO	1218	(2014)
United States v. Mr. Mike's Pizza, Inc.	10	OCAHO	1196	(2013)
United States v. New Outlook Homecare, LLC	10	OCAHO	1210	(2014)
Size of Business				
United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)

United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Fowler Equipment Company, Inc.	10	OCAHO	1169	(2013)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
United States v. MEMF, LLC d/b/a Black & Blue Steak & Crab - Buffalo	10	OCAHO	1170	(2013)
United States v. Modern Disposal Incorporated	10	OCAHO	1175	(2013)
United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation	7	OCAHO	986	(1998)
United States v. Pegasus Restaurant, Inc.	10	OCAHO	1143	(2012)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Roberto C. Davila	7	OCAHO	936	(1997)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park	7	OCAHO	958	(1997)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Snack Attack Deli, Inc.	10	OCAHO	1137	(2010)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. Taco Plus, Inc. d/b/a Taco Loco	5	OCAHO	775	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
United States v. Tri-Component Product Corporation	6	OCAHO	853	(1996)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)
Size of Business Did Not Necessitate Further Mitigation of Civil Penalty				
United States v. M & D Masonry	10	OCAHO	1215	(2014)
Statute Does Not Prohibit Consideration of Unenumerated Factors				
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites	11	OCAHO	1218	(2014)
United States v. Crescent City Meat Company, Inc.	11	OCAHO	1223	(2014)

Statute Does Not Require Equal Weight Be Given Each of the Five Statutory Factors

United States v. Durable, Inc. 11 OCAHO 1221 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Senox Corporation 11 OCAHO 1219 (2014)

Statute Does Not Require Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

Statute Does Not Require Equal Weight Be Given to Each Required Penalty Factor

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Statute Does Not Rule Out Consideration of Unenumerated Factors

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Statutory

United States v. Red Lobster 4 OCAHO 631 (1994)

United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)

Statutory Fine Factors Only for Paperwork Violations Not Knowing Hire or Continuing to Employ

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

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United States v. Pedro Dominguez	6 OCAHO	876	(1996)
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United States v. David Jenkins	5	OCAHO	743	(1995)
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United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1	OCAHO	195	(1990)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
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United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	24	(1988)
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United States v. Mester Manufacturing Company	1	OCAHO	18	(1988)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
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United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	533	(1993)
United States v. The Body Shop	1	OCAHO	185	(1990)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	445	(1992)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	449	(1992)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)
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Good Faith Defense provided by 8 U.S.C. Section 1324a(b)(6)

Inapplicable to Substantive Violations

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Ignorance of Law is Not An Affirmative Defense

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Ignorance of Statutory Requirements

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)

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Ignorance of Statutory Requirements Does Not Amount to Showing of Good Faith

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Impossibility Defense is Recognized in OCAHO Case Law

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Knowledge

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Good Faith Conferment Requirement

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Motion to Compel Discovery is Facially Invalid If Certificate of Good Faith Conferment Missing

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Motion to Compel Must Include Certification of Good Faith Resolution Efforts

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No Broad General Rule on Specific Time Frame for Scope of Discovery

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Objections Not Raised in Response to Requests Not Considered in Response to Motion to Compel

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OCAHO Rules Do Not Impose Numerical Limits on Number of Interrogatories

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Party May Not Seek Discovery Through Administrative Review When It Had Ample Time for Discovery in Prehearing Process

United States v. M & D Masonry 10 OCAHO 1215 (2014)

Party Receiving Discovery Requests Must Answer or State Objections Within 30 Days

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Party Resisting Discovery Has Burden of Demonstrating That Objection Is Justified

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Relevance Includes Any Matter Bearing on an Issue (Or Possible Issue) In Case

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Relevance Includes Any Matter That Could Reasonably Lead to Matter Bearing on Issue In Case

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Leandro Miraon Aguinaldo v. McDonnell Douglas Corporation 4 OCAHO 707 (1994)

Lydia Annella Anderson v. Newark Public Schools 8 OCAHO 1024 (1999)

Martin John Shortt v. Dick Clark's American Bandstand Grill 10 OCAHO 1130 (2009)

Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)

Mr. Doron Tal v. M. L. Energia, Inc. 4 OCAHO 705 (1994)

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

Roberto Decasez-Martinez v. Tyson Foods, Inc. 2 OCAHO 372 (1991)

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United States v. Farmers Insurance Group of Companies	1 OCAHO	22	(1988)
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United States v. Lasa Marketing Firms, a California Partnership	1 OCAHO	141	(1990)
United States v. Marcel Watch Corporation	1 OCAHO	143	(1990)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Weld County School District	2 OCAHO	326	(1991)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)
Wisniewski v. Douglas County School System	1 OCAHO	29	(1988)

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Ahadu Tadesse v. United States Postal Service	7 OCAHO	979	(1997)
Celia Simon v. Ingram Micro, Inc.	9 OCAHO	1088	(2003)
Christopher Winkler v. Timlin Corporation	6 OCAHO	912	(1997)
Christopher Winkler v. West Capital Financial Services	7 OCAHO	928	(1997)
Costigan v. NYNEX	6 OCAHO	918	(1997)
Daniel DeNardo v. WH Smith USA Travel	9 OCAHO	1080	(2002)
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Elizabeth S. Mengarpuan v. Asbury Methodist Village	4 OCAHO	612	(1994)
Elodia Guzman v. Yakima Fruit & Cold Storage	9 OCAHO	1066	(2001)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Frederick John Harris v. State of Hawaii, Department of Education	6 OCAHO	922	(1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1075	(2001)
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Lee v. AT&T	7	OCAHO	924	(1997)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Michael K. Lee v. Airtouch Communications	6	OCAHO	888	(1996)
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Ramnik M. Trivedi v. Northrop Corporation and Department of Defense	4	OCAHO	600	(1994)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6	OCAHO	882	(1996)
United States v. Acosta, Inc. d/b/a McDonald's	7	OCAHO	961	(1997)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Guardsmark	3	OCAHO	572	(1993)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	861	(1996)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	879	(1996)
United States v. Robison Fruit Ranch, Inc.	4	OCAHO	594	(1994)
United States v. Robison Fruit Ranch, Inc.	6	OCAHO	855	(1996)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. Zabala Vineyards	6	OCAHO	830	(1995)
Werline v. Public Service Electric & Gas Company	7	OCAHO	935	(1997)
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Daniel DeNardo v. WH Smith USA Travel	9	OCAHO	1080	(2002)
Employer's Broad Discretion Expectations for Employee's Performance				
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Employer's Constantly Shifting Explanations for Adverse Action Can Alone Show Pretext				
United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms	11	OCAHO	1252	(2015)
Evidence				

Benjamin Barone v. Superior Washer and Gasket Corp.	10	OCAHO	1176	(2013)
Carlos Aciar v. Rosen's Delicatessen	9	OCAHO	1086	(2002)
Corneliu Curuta v. Tomball College	9	OCAHO	1099	(2003)
Crecencio Cabrera Mendez v. Jim Daniels	2	OCAHO	374	(1991)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	460	(1992)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3	OCAHO	550	(1993)
Dolores Garcia Contreras v. Cascade Fruit Company	9	OCAHO	1090	(2003)
Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center	8	OCAHO	1050	(2000)
Errol Williams v. Lucas & Associates	2	OCAHO	357	(1991)
George Suchta v. United States Postal Service	2	OCAHO	327	(1991)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1075	(2001)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jack Huang v. Queens Motel	2	OCAHO	364	(1991)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	189	(1990)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Jasso v. Danbury Hilton & Towers	3	OCAHO	522	(1993)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Juan Francisco Martinez v. Lott Constructors, Inc.	2	OCAHO	323	(1991)
Juan Manuel Alamprese v. MNSH, Inc.	9	OCAHO	1094	(2003)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Krzysztof Zarazinski v. Anglo Fabrics, Company	3	OCAHO	470	(1992)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)

Olegario Munoz v. Pastel Furniture Manufacturing Company	3	OCAHO	457	(1992)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center	3	OCAHO	532	(1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center	3	OCAHO	532	(1993)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Roberto Decasez-Martinez v. Tyson Foods, Inc.	2	OCAHO	372	(1991)
Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales	3	OCAHO	458	(1992)
Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee	10	OCAHO	1212	(2014)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. General Dynamics	3	OCAHO	517	(1993)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	106	(1989)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	141	(1990)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. Mesa Airlines	1	OCAHO	74	(1989)
United States v. San Diego Semiconductors, Inc.	2	OCAHO	314	(1991)
United States v. Zabala Vineyards	6	OCAHO	830	(1995)
Wisniewski v. Douglas County School System	1	OCAHO	29	(1988)
Reduction in Force				
Daniel Bendig v. Conoco, Inc.	9	OCAHO	1065	(2001)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Evidence of Pretext Must Be Specific and Substantial				
Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership	11	OCAHO	1254	(2015)
Filing of EEOC Charge Is Not A Condition Precedent to Filing of OSC Charge				

Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)

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Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 510 (1993)

Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)

Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)

Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)

Grzegirz Pioterek v. Anderson Cleaning Systems, Inc. 3 OCAHO 539 (1993)

Grzegirz Pioterek v. Anderson Cleaning Systems, Inc. 3 OCAHO 590 (1993)

Grzegirz Pioterek v. Scott Worldwide Food Service 3 OCAHO 530 (1993)

Howard Eugene McNier v. San Francisco State University College of Business 7 OCAHO 947 (1997)

James D. Westendorf v. Brown & Root, Inc. 3 OCAHO 477 (1992)

Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 189 (1990)

Jose Jasso v. Danbury Hilton & Towers 3 OCAHO 522 (1993)

Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center 4 OCAHO 709 (1994)

Josh Kupferberg v. University of Oklahoma Health Sciences Center 4 OCAHO 709 (1994)

Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 661 (1994)

Leandro Miraon Aguinaldo v. McDonnell Douglas Corporation 4 OCAHO 707 (1994)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)

Lydia Annella Anderson v. Newark Public Schools 8 OCAHO 1035 (1999)

Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)

Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 466 (1992)

Maria Gordillo v. Illinois Department of Employment Security 3 OCAHO 542 (1993)
Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center 3 OCAHO 532 (1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center 3 OCAHO 532 (1993)
Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
United States v. Auburn University 3 OCAHO 564 (1993)
United States v. General Dynamics 3 OCAHO 517 (1993)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
United States v. Weld County School District 2 OCAHO 326 (1991)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)
Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)

Inference that Discrimination Not Determinative Where Same Person Hires & Fires Within Short Time

Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)

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Technical or Procedural Verification Failures

Daniel DeNardo v. WH Smith USA Travel 9 OCAHO 1080 (2002)

Intent To Discriminate If Person Would Have Acted Differently But For Protected Characteristic

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

Intentional

Ahadu Tadesse v. United States Postal Service 7 OCAHO 979 (1997)
Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)
Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
Jorge Mario Ipina v. Michigan Jobs Commission	8	OCAHO	1036	(1999)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Juan Manuel Alamprese v. MNSH, Inc.	9	OCAHO	1094	(2003)
Raul A. Gonzalez v. Tri-Component Products, Inc.	9	OCAHO	1118	(2005)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	106	(1989)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	141	(1990)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)

Intentional Discrimination If Employer Treats Some People Less Favorably Due to Prohibited Factor

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Jurisdiction

Adolfo Cruz Deguzman v. First America Bank Corporation	3	OCAHO	585	(1993)
Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	535	(1993)
Christopher Winkler v. West Capital Financial Services	7	OCAHO	928	(1997)
Cormia v. Home Care Giver Services	10	OCAHO	1160	(2012)
Corneliu Curuta v. United States Water Conservation Laboratory	3	OCAHO	459	(1992)
Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc.	3	OCAHO	548	(1993)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Esther Din Brooks v. KNK Textile	3	OCAHO	528	(1993)
Frank Thomas Brown v. Baltimore City Public Schools	3	OCAHO	480	(1992)
Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	469	(1992)

Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	8	OCAHO	1030	(1999)
Hutchinson v. GTE Data Services	7	OCAHO	954	(1997)
In re Investigation of University of South Florida, Subpoena	8	OCAHO	1056	(2000)
Jamal Y. Elhaj-Chehade v. University of Texas Southwestern Medical School	8	OCAHO	1022	(1999)
Jay S. Manning v. The City of Jacksonville	7	OCAHO	956	(1997)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	663	(1994)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	466	(1992)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Sellaro v. Elektra Records	3	OCAHO	495	(1993)
United States v. Auburn University	4	OCAHO	617	(1994)
Werline v. Public Service Electric & Gas Company	7	OCAHO	935	(1997)
William S. Monda v. Staryhab, Inc.	8	OCAHO	1002	(1998)

Knowledge of Citizenship Status

Juan Manuel Alamprese v. MNSH, Inc.	9	OCAHO	1094	(2003)

Legitimate, Nondiscriminatory Reason

Benjamin Barone v. Superior Washer and Gasket Corp.	10	OCAHO	1176	(2013)
Celia Simon v. Ingram Micro, Inc.	9	OCAHO	1088	(2003)
Daniel Bendig v. Conoco, Inc.	9	OCAHO	1065	(2001)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)

Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
Dolores Garcia Contreras v. Cascade Fruit Company	9	OCAHO	1090	(2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Gurpreet Sodhi v. Maricopa Medical Center	10	OCAHO	1127	(2008)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Kasathsko v. Internal Revenue Service	6	OCAHO	840	(1996)
Luigia Wiesner v. CIT Tours, Inc.	5	OCAHO	773	(1995)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Norberto Sagal Torres v. Pacific Continental Textiles, Inc.	10	OCAHO	1203	(2013)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)

Malice Or Ill Will Is Not Required to Establish Discrimination

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare	11	OCAHO	1227	(2014)

National Origin

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
In re Investigation of University of South Florida, Subpoena	8	OCAHO	1056	(2000)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)
United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)
United States v. San Diego Semiconductors, Inc.	2	OCAHO	314	(1991)

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Albert Gimein v. Department of Defense & Grumman Aerospace Corporation	3	OCAHO	503	(1993)
Bassey J. Udofot v. General Electric Company, Astro-Space Division	1	OCAHO	205	(1990)
Bertalina Monjaras v. Blue Ribbon Cleaners, Inc.	3	OCAHO	526	(1993)
Carlos Aciar v. Rosen's Delicatessen	9	OCAHO	1086	(2002)
Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	535	(1993)
Crecencio Cabrera Mendez v. Jim Daniels	2	OCAHO	374	(1991)
Crecencio Cabrera Mendez v. Jim Daniels	2	OCAHO	392	(1991)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Jack Huang v. Queens Motel	2	OCAHO	364	(1991)
Jose Jasso v. Danbury Hilton & Towers	3	OCAHO	522	(1993)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend	6	OCAHO	891	(1996)
Maria Gordillo v. Illinois Department of Employment Security	3	OCAHO	542	(1993)
Michael K. Lee v. Airtouch Communications	6	OCAHO	901	(1996)
Moises Reyes v. Pilgrim Psychiatric Center	3	OCAHO	529	(1993)
Mr. Wahab E. Ekunsumi v. Hyatt Regency Hotel of Cincinnati	1	OCAHO	128	(1990)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center	3	OCAHO	532	(1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center	3	OCAHO	532	(1993)
United States v. Guardsmark	3	OCAHO	572	(1993)
United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation	3	OCAHO	413	(1992)
Jurisdiction				
Benjamin A. K. Yohan v. Central State Hospital	4	OCAHO	593	(1994)
Carlos Aciar v. Rosen's Delicatessen	9	OCAHO	1086	(2002)
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center	8	OCAHO	1015	(1998)
Drahomira Adame v. Dunkin Donuts	5	OCAHO	722	(1995)
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4	OCAHO	612	(1994)

Frederick John Harris v. State of Hawaii, Department of Education 6 OCAHO 922 (1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)
Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)
Michael K. Wockenfuss v. Bureau of Prisons 5 OCAHO 767 (1995)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 838 (1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)
United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)
No Mandate That U.S. Citizen Be Afforded Preference Over Equally Qualified Alien Individual

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1252 (2015)
Nonimmigrant
H-1B visa
William S. Monda v. Staryhab, Inc. 8 OCAHO 1002 (1998)
OSC, A Separate and Distinct Party, Can Pursue Complaint-In-Intervention Without Charging Party

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1252 (2015)
Pattern or Practice

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)
United States v. Volvo Trucks North America, Inc. 7 OCAHO 994 (1998)
Pattern Or Practice of Discrimination Shown If Employer Discriminates As Standard Operating Procedure

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Prescreening of Employment Applicants Based on Their Documentation is Impermissible

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Pretext

Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)

Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape 10 OCAHO 1187 (2013)

Jose Pablo Martinez v. Superior Linen 10 OCAHO 1180 (2013)

Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

Reduction in Force

Daniel Bendig v. Conoco, Inc. 9 OCAHO 1065 (2001)

Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)

Retaliation

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)

Brenda Bent v. Brotman Medical Center Pulse Health Services 5 OCAHO 764 (1995)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 668 (1994)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

Drahomira Adame v. Dunkin Donuts 4 OCAHO 691 (1994)

Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)

Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)

Frederick John Harris v. State of Hawaii, Department of Education 6 OCAHO 922 (1997)

Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1124	(2007)
Gurpreet Sodhi v. Maricopa Medical Center	10	OCAHO	1127	(2008)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1097	(2003)
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Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)

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Unfair Employment Practice Actionable only if OSC Charge Filed Within 180 Days of the Event

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Estoppel Must at a Minimum Be Premised Upon Some Affirmative Government Misconduct

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Government Is Virtually Impervious to Claims of Equitable Estoppel

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United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)

United States v. Draper-King Cole, Inc. 7 OCAHO 933 (1997)

United States v. Exim, Inc. and Jaime Monardes, Individually 4 OCAHO 604 (1994)

United States v. Four Star Knitting, Inc. 6 OCAHO 868 (1996)

United States v. Giamblis Enterprises 6 OCAHO 834 (1996)

United States v. Great Bend Packing Company 6 OCAHO 835 (1996)

United States v. GRS, Inc. d/b/a Gasket Engineering 4 OCAHO 627 (1994)

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United States v. Mourad Abu Remileh 6 OCAHO 825 (1995)

United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)

United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)

No Deterrent Effect When Employer Is No Longer in Business

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)

United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)

Notices of Discrepancies or Suspect Documents Do Not Alone Prove Employee Is Unauthorized

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)

OCAHO Has No Authority to Dictate Methods Other Agency Uses to Assess Fine

United States v. Senox Corporation 11 OCAHO 1219 (2014)

OCAHO May Examine ICE Fine de novo

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Paperwork Violation Penalties Are Prophylactic and Corrective, Not Punitive

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Party Seeking Consideration of Non-Statutory Factor Bears Burden of Proof

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

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Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

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Penalties Should Deter Future Violations Without Being Unduly Punitive

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
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Penalties Should Have a Deterrent Effect and Not Be Merely a Cost of Doing Business

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Penalties Should Not Be Disproportionate to Employer's Revenue

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

Penalty Within Statutory Range Presumed Valid Under Eighth Amendment Excessive Fines Clause

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Principal Goal Is To Enhance Probability of Future Compliance

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Prophylactic Purpose Best Served When Penalty Is Significant Enough to Prompt Change of Behavior

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Proportionality is Critical in Setting Penalties

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
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United States v. Niche, Inc. 11 OCAHO 1250 (2015)

Proportionality of Fine Judged Relative to Gravity of Violations and Size of Business

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

Purpose is to Deter Repeat Violations and Encourage Others to Comply

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Reasonableness Based On Record As Whole and Statutory Factors in Particular

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

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United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Seriousness of Violation Evaluated on Continuum Because Not All Violations Are Equally Serious

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Size of Business Did Not Necessitate Further Mitigation of Civil Penalty

United States v. M & D Masonry 10 OCAHO 1215 (2014)

Statute Does Not Prohibit Consideration of Unenumerated Factors

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

Statute Does Not Require Equal Weight Be Given Each of the Five Statutory Factors

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United States v. Durable, Inc. 11 OCAHO 1221 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
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United States v. Mott Thoroughbred Stables, Inc. 11 OCAHO 1233 (2014)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Senox Corporation 11 OCAHO 1219 (2014)

Statute Does Not Require Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
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Statute Does Not Rule Out Consideration of Unenumerated Factors

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Statutory Fine Factors Only for Paperwork Violations Not Knowing Hire or Continuing to Employ

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

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United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 a (2015)

There Is No Sole Permissible Method for Calculating Penalties

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Violations Evaluated on a Continuum Because Not All Violations are Equally Serious

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

Weight of Each Statutory Factor Depends on Facts of Each Case

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)

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United States v. Armando Alvarez-Suarez 6 OCAHO 862 (1996)

United States v. Hardeep Singh 3 OCAHO 520 (1993)

United States v. Maria Sourovova 8 OCAHO 1020 (1998)

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United States v. H&H Saguaro Specialists 10 OCAHO 1147 (2012)

A Birth Certificate is Not a Valid List B Document That Establishes Identity

United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)

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United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
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United States v. Mourad Abu Remileh 5 OCAHO 724 (1995)
Employee's Failure to Check a Box in Section 1 Attesting to Status is a Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)
Employee's Failure to Check Box Attesting to Status or Sign Section 1 is a Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Employer Must Attest to Examination of Section 2 Documents

United States v. Senox Corporation 11 OCAHO 1219 (2014)
Employer Must Ensure Employee Completed and Signs Section 1 On Date of Hire

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Employer's Completion of Section 3 In Lieu of Section 2 Constitutes Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Employer's Failure to Sign Form I-9 Section 2 Is A Very Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
Failure to Attest to Examination of Section 2 Documents is Serious Substantive Violation

United States v. Senox Corporation 11 OCAHO 1219 (2014)
Failure to Complete and Sign Section 2 of Form I-9 Is Both Substantive and Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
Failure to Complete or Sign Section 2 Employer Verification Constitutes Substantive Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Ensure Employee Enters Alien Number in Section 1 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

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Failure to Ensure Employee Signs Section 1 Is A Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

Failure to Ensure Employee Timely Completes Section 1 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Enter Required Document Information in Section 2 Constitutes Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Properly Complete Section 2 of the Form I-9 is a Serious Violation

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Failure to Reverify Employment Authorization Document Before Expiration Date Constitutes Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

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United States v. Alberta Sosa, Inc. 6 OCAHO 831 (1996)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 794 (1995)

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United States v. Julio Carpio-Lingan 6 OCAHO 909 (1997)

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United States v. C&K Metals, Inc. a/k/a Leach Cast & Steel, Inc. 6 OCAHO 845 (1996)

United States v. David Jenkins 5 OCAHO 743 (1995)

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Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)

United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor 1 OCAHO 81 (1989)

United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm 1 OCAHO 187 (1990)

United States v. Michael's Greek Village, Limited and Michael Lotsis, Jointly and Severally 1 OCAHO 86 (1989)

United States v. Nu Line Fashions, Inc. 1 OCAHO 147 (1990)

United States v. Shine Auto Service 1 OCAHO 70 (1989)

United States v. Shine Auto Service 1 OCAHO 94 (1989)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 35 (1988)

United States v. Zeferino Castillo, Individually 3 OCAHO 505 (1993)

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Absence of Good Faith Shown Where Employer Enters False Hire Dates on Multiple 1-9 Forms

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

Absence of Good Faith Where Employer Fails to Ascertain and Conform Conduct to Legal Obligations

United States v. Durable, Inc. 11 OCAHO 1229 (2014)

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United States v. Allen Holdings, Inc. 9 OCAHO 1059 (2000)

Culpable Conduct Can Be Shown by Evidence that Employer Tried to Mislead Government

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Deliberate Falsification of Information in Section 2 of Form I-9 Does Not Indicate Good Faith

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

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Failure to Cooperate With ICE's Investigation Can Constitute Culpable Conduct

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Good Faith Affirmative Defense Only Available for Technical/Procedural Violations

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Good Faith Shown When Employer Makes Effort to Ascertain and Conform to its Legal Obligations

United States v. M & D Masonry, Inc. 10 OCAHO 1211 (2014)

Good Faith Standard has Subjective Components

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

It Is Not Objectively Reasonable to Knowingly Create False Attestations in Section 2 of Form I-9

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

No Error in Finding That Pre-signing I-9 Forms in Batches Is Not Consistent with Good Faith

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Requires Assessment of Whether Employer Honestly Exercised Reasonable Care and Diligence

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GOOD FAITH DEFENSE

Defense Only Available for Technical or Procedural - Not Substantive - Violations

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)

Good Faith Defense Does Not Apply to Substantive Violations

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Good Faith Defense Only Available for Technical/Procedural Violations

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Hearsay Is Freely Admissible in Administrative Proceeding if Probative and Reliable

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United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 4 OCAHO 625 (1994)

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General, Conclusory Assertion of Irrelevance, Overbreadth or Undue Burden Insufficient Objection

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Must Include Nature of Request, Objections, Arguments, and Good Faith Attempt to Resolve

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)

United States v. Durable, Inc. 11 OCAHO 1221 (2014)

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Objections & Reasons Must Be Stated in Discovery Response, Not Only in Opposing Motion to Compel

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)

Opposing Party Bears Burden of Persuasion

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)

Opposing Party Must Specify Objections and Demonstrate That Objections Are Justified

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Whether and When Individual Was Employed Relevant to Whether Employer Had Duty to Retain I-9

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United States v. Giamblis Enterprises	6	OCAHO	834	(1996)
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United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)
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United States v. Seven Elephants Distributing Corp. 10 OCAHO 1173 (2013)
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United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)

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United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

United States v. Enrique Reyes d/b/a King's Produce 4 OCAHO 592 (1994)

United States v. Exim, Inc. and Jaime Monardes, Individually 4 OCAHO 604 (1994)

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United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)

United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

United States v. WSC Plumbing, Inc. 9 OCAHO 1062 (2000)

Employee's Failure to Check a Box in Section 1 Attesting to Status is a Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
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United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 794 (1995)
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United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
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Failure to Ensure Employee Enters Alien Number in Section 1 Constitutes Serious Violation

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United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)

Failure to Ensure Employee Signs Section 1 Is A Serious Violation

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)

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United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)

Failure to Ensure Employee Signs, Lists Immigration Status and A Number on I-9 Are Serious Violations

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United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)

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Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)

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Failure to Prepare Form I-9 Subverts the Purpose of the Employment Verification Requirements

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)

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Failure to Timely Prepare Form I-9 Is A Serious Violation

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United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)

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United States v. Business Teleconsultants, Ltd.	3	OCAHO	565	(1993)
United States v. Cafe Camino Real, Inc.	2	OCAHO	307	(1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	369	(1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant	3	OCAHO	467	(1992)
United States v. Christie Automotive Products	2	OCAHO	361	(1991)
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United States v. Corporate Loss Prevention Associates, Ltd.	6	OCAHO	908	(1997)
United States v. Curran Engineering Company, Inc.	7	OCAHO	975	(1997)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	575	(1993)
United States v. Diamond Construction, Inc.	3	OCAHO	456	(1992)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. Dubois Farms, Inc.	1	OCAHO	242	(1990)
United States v. Dubois Farms, Inc.	2	OCAHO	376	(1991)
United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
United States v. Ebrahim Banafsheha	3	OCAHO	525	(1993)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	316	(1992)
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United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
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United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Juan V. Acevedo	1	OCAHO	95	(1989)
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United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	166	(1990)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1	OCAHO	130	(1989)
United States v. Mario Saikhon, Inc.	1	OCAHO	279	(1990)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1	OCAHO	154	(1990)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	518	(1993)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. New El Rey Sausage Company	1	OCAHO	78	(1989)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. Park Sunset Hotel	3	OCAHO	525	(1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	354	(1991)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Robert Marnul d/b/a Lamont Street Grill	3	OCAHO	441	(1992)

United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)
United States v. Ronning Landscaping, Inc.	10	OCAHO	1149	(2012)
United States v. Rosario Strano d/b/a Strano Farms	3	OCAHO	492	(1993)
United States v. SDI Industries, Inc.	3	OCAHO	465	(1992)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. South Masonry Fencing Company	1	OCAHO	4	(1988)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	533	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	563	(1993)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	412	(1993)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. Tuttle's Design Build, Inc.	3	OCAHO	422	(1992)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)
United States v. William and Maria Sievert	1	OCAHO	294	(1991)
United States v. Wood 'N Stuff	3	OCAHO	574	(1993)
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Technical or Procedural Verification Failures				
United States v. Stanford Sign and Awning, Inc.	10	OCAHO	1145	(2012)
United States v. WSC Plumbing, Inc.	9	OCAHO	1062	(2000)
United States v. WSC Plumbing, Inc.	9	OCAHO	1071	(2001)
Government Refusal of Documents Deprived Employer of Opportunity to Correct Technical Violations				
United States v. Chen Wilmington, Inc.	11	OCAHO	1241	(2015)
I-9 Retention Required for 3 Years After Hire or 1 Year After Termination, Whichever Is Later				
United States v. Dr. Robert Schaus, D.D.S.	11	OCAHO	1239	(2014)
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United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
United States v. March Construction, Inc. 10 OCAHO 1158 (2012)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)
I-9s To Be Examined Are Those Presented in Response to NOI, Not I-9s Produced Thereafter

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United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
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Lack of Issuing Authority for a Driver's License in Section 2 is a Substantive Violation

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Liability

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Exim, Inc. and Jaime Monardes, Individually 4 OCAHO 604 (1994)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. March Construction, Inc. 10 OCAHO 1158 (2012)
United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)
United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)

Location

United States v. Dubois Farms, Inc.	2	OCAHO	376	(1991)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)

Mere Failure to Date I-9 Employer Attestation is Technical or Procedural

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Mere Reference to Information Discrepancies or Suspect Documents Insufficient to Prove

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Attorney Representing Private Party and Appearing on Filings Must File Notice of Appearance

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United States v. Nancy Mubarki 5 OCAHO 816 (1995)

Gov't Must Treat Pro Se Party Lacking Legal Knowledge With Scrupulous Fairness

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)

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OCAHO Rules Do Not Apply to Representation Before a Complaint is Filed With OCAHO

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
OCAHO Rules Explicitly Allow for Representation By a Non-Attorney Under Certain Circumstances

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United States v. Manuel Medina, Jr., Individually d/b/a The Montana Hideaway 3 OCAHO 485 (1993)

Hearing Unnecessary Where No Genuine Issue of Material Fact is in Dispute

United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)

Statute Aimed At All Employers, Not Just Traffickers or Those Who Hire Unauthorized Workers

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

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Doesn't Apply if Cause of Action is Different Than In Earlier Case

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Res Judicata Inapplicable to Claims Not Adjudicated on Merits

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Adverse Employment Action Occurs When Employment Decision Made and Communicated to Employee

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Based on Filing a Charge With OSC

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Causation Requires a Showing that the Decisionmaker Knew of the Employee's Protected Activity

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

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Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)

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United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)

Counterclaim May Be Considered Retaliatory if it is Objectively Baseless

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Employer Has Burden of Production in Stating Non-Discriminatory Reason for Employment Action

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Evidence of Pretext Must Be Specific and Substantial

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Filing EEOC Religious Discrimination Complaint is not Protected Activity Under Section 1324b(a)(5)

Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)

Generalized Complaints About Employing Undocumented Workers Isn't Protected Under Section 1324b

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Jose N. Hernandez v. City of Santa Ana	4	OCAHO	674	(1994)
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Josh Kupferberg v. University of Oklahoma Health Sciences Center	4	OCAHO	709	(1994)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	661	(1994)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
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Complaining About Illegal Hiring Under § 1324a Does Not Constitute Protected Activity Under § 1324b(a)(5)			
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10 OCAHO	1187	(2013)

Retaliation Claim Must Be Based on Conduct that is Protected Under Section 1324b

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Retaliation May Consist of Actions Not Directly Related to an Individual's Employment

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Retaliation Provision of Section 1324b Applies to any Individual, Not Just Protected Individuals

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

To Rebut Prima Facie Case, Employer Must State Non-Retaliatory Reason for Employment Action

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United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)

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Issues Not Properly Raised Below Cannot Be Raised for the First Time on Review

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Nonmoving Party Who Bears Burden of Proof at Trial Must Present Sufficient Evidence to Support Claim

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