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"Substantially Justified" EAJA Standard Does Not Apply in Private Cases Under Section 1324b

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

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United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)

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United States v. Danny Mathis d/b/a Mathis Maspory	4 OCAHO	717	(1995)
United States v. Karnival Fashion, Inc.	5 OCAHO	783	(1995)
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United States v. Corporate Loss Prevention Associates, Ltd.	6 OCAHO	908	(1997)
United States v. Javier Morales-Vargas a/k/a Daniel Avasolos-Velasqez	5 OCAHO	732	(1995)
United States v. Maria Teresa De Jesus Morales-Martinez	5 OCAHO	727	(1995)
United States v. Mohammed Noorealam	5 OCAHO	797	(1995)
United States v. Mourad Abu Remileh	5 OCAHO	724	(1995)
United States v. Simon Osagie Iyawe	5 OCAHO	744	(1995)

CITATION/CITATION PERIOD

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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. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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)

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Government Must Prove Existence of Aggravation Factor by Preponderance of Evidence

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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

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ALJ Can Consider Public Policy of Leniency to Small Entities

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
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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 Considers Five Statutory Factors Set Out in 8 U.S.C. Section 1324a(e)(5) In Assessing the Penalty

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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 In 1324b Case Looks At Nature and Circumstances of Violation and Respondent's Conduct During Case

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

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. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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

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

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

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

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

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

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

Difference In Severity of Categories of Violations May Be Reflected in the Final Penalty

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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United States v. The Beverly Center 5 OCAHO 762 (1995)

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United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)

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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

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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. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)
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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)
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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)
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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)

Factors

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

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

United States v. New China Buffet Restaurant 10 OCAHO 1132 (2010)

United States v. Pedro Dominguez 8 OCAHO 1000 (1998)

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

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

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

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

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
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)
United States v. Wood 'N Stuff	3	OCAHO	574	(1993)

Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection

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

Good Faith Compliance

United States v. Alyn Industries, Inc. d/b/a Electronic Source Company	10	OCAHO	1141	(2011)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Ketchikan Drywall Services, Inc.	10	OCAHO	1139	(2011)

Good Faith Defense

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	758	(1995)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
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)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service	7	OCAHO	945	(1997)
United States v. Ice Castles Daycare Too, Inc.	10	OCAHO	1142	(2011)
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)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Mesabi Bituminous, Inc.	5	OCAHO	801	(1995)
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. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
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. 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. Vogue Pleating, Stitching & Embroidery Corporation	5	OCAHO	782	(1995)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)

Government Bears Burden of Proving Penalty and Aggravating Factor by Preponderance of Evidence

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11	OCAHO	1258	(2015)
United States v. Homestead Metal Recycling Corp.	11	OCAHO	1251	(2015)
United States v. Keegan Varitey, LLC	11	OCAHO	1238	(2014)

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

Government Bears the Burden of Proof on Penalty and Aggravating Factors

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

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

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

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

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

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

Government Must Prove Aggravating Factor by Preponderance of Evidence

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. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (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)

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)

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

Government Has Burden of Proof by Preponderance of Evidence

United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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

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

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

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

ICE Guidelines

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

If 5 Factors Considered, Statute Neither Mandates Nor Precludes Mathematical Formula to Set Fine

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

Illegal Alien(s)

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

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. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)

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. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11	OCAHO	1258	(2015)
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)
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Statute Does Not Require Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

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Statute Does Not Rule Out Consideration of Unenumerated Factors

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Employer Must Take Adequate Steps to Verify Eligibility Where Specific Information Casts Doubt

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Employer Not Entitled to Cultivate Deliberate Ignorance or Avoid Acquiring Knowledge

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Expired Authorization Document Sufficient To Put Employer on Notice of Unauthorized Status

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

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

Inability To Collect From Insolvent Party Alone Not Sufficient to Pierce Corporate Veil

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Piercing Corporate Veil Is A Tool Used Only in Extreme Circumstances

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Piercing Corporate Veil Unjustified in Absence of Demonstrated Misuse of Corporate Form

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United States v. Alberta Sosa, Inc.	5	OCAHO	731	(1995)
United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. All World Imports, Inc. d/b/a Andre Pierre Imports	2	OCAHO	344	(1991)
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United States v. Harris Ranch Beef Company	1	OCAHO	277	(1990)
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United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
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United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors	1	OCAHO	119	(1989)

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United States v. Manca Imports, Inc.	1	OCAHO	268	(1990)
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United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1052	(2000)
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United States v. Tuttle's Design Build, Inc. 3 OCAHO 422 (1992)
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United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 2 OCAHO 390 (1991)
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United States v. William D. Clark d/b/a Tidwell Medical Center 5 OCAHO 771 (1995)
United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 35 (1988)

Grounds Not State In A Timely Objection to Discovery Requests Are Waived Absent Good Cause Shown

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Hearsay Evidence

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Jorge Pugliese v. Auto-Grafica Corporation 5 OCAHO 820 (1995)

Mr. Doron Tal v. M. L. Energia, Inc. 4 OCAHO 639 (1994)

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Monetary Sanction Not Permitted for Failure to Comply With Discovery Order

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Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1087 (2002)

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1082 (2002)

Good Faith Conferment Requirement

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1078 (2002)

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

United States v. Autobuses Ejecutivos, LLC d/b/a Omnibus Express 11 OCAHO 1220 (2014)
OCAHO Rules Do Not Impose Numerical Limits on Number of Interrogatories

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1234 (2014)
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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Yves Nguyen v. ADT Engineering, Inc.	3	OCAHO	489	(1993)
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Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)

Jarvis v. AK Steel 7 OCAHO 930 (1997)

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

Robert S. Mathews v. Goodyear Tire & Rubber Company 7 OCAHO 929 (1997)

Reduction in Force

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1110 (2004)

Complainant Must Raise Genuine Issue as to Whether Proffered Reasons for Termination Were Pretext

Norberto Sagal Torres v. Pacific Continental Textiles, Inc. 10 OCAHO 1203 (2013)

Constructive Discharge

Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company 4 OCAHO 675 (1994)

Denial of Preference for Part Time Work Does Not Alone Support Claim of Constructive Discharge

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

Discrimination Can Occur At Any Point In The Hiring Process

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Discrimination Suits Require Some Evidence of Discrimination

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

Discriminatory Intent Shown By Direct or Circumstantial Evidence, or Inferred From Statistics

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

Discriminatory Pattern Can Create Inference of Intent

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

Discriminatory Pattern Probative of Motive

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

Disparate Impact

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

Disparate Treatment

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)
Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)
Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)
Gurpreet Sodhi v. Maricopa Medical Center 10 OCAHO 1127 (2008)
Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc. 1 OCAHO 144 (1990)
Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 189 (1990)
Juan Antonio Martinez v. Ray's Bar-B-Que 9 OCAHO 1120 (2005)
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 638 (1994)
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)
Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales 3 OCAHO 458 (1992)
Sargon Bethishou v. Ohmite Manufacturing Company 1 OCAHO 77 (1989)
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)
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Earl Russel Horne v. Town of Hampstead	6 OCAHO	906	(1997)
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4 OCAHO	612	(1994)
Elodia Guzman v. Yakima Fruit & Cold Storage	9 OCAHO	1066	(2001)
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Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7 OCAHO	939	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
Kosatschkow v. Allen-Stevens Corporation	7 OCAHO	938	(1997)
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)

Michael K. Lee v. Airtouch Communications	6 OCAHO	901	(1996)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense	4 OCAHO	600	(1994)
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United States v. Acosta, Inc. d/b/a McDonald's	7 OCAHO	961	(1997)
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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)
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United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5 OCAHO	748	(1995)
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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)

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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				
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Oswalde Woode v. Central Regional Hospital NCDHHS Agency	11	OCAHO	1235	(2014)
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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)
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United States v. Zabala Vineyards 6 OCAHO 844 (1996)
Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)
Individual's Subjective Perception of Discrimination Does Not Substitute for Evidence
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Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)
Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

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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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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)
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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

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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)
Generally				
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)
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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)

OCAHO Has No Authority Over Discrimination Claims Covered by Statutes Other Than Section 1324b

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)
Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)
Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

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)
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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

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

Prescreening of Employment Applicants Based on Their Documentation is Impermissible

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

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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)
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Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)

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

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Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	668	(1994)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
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Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1097	(2003)
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John A. Breda v. Kindred Braintree Hospital, LLC	10	OCAHO	1202	(2013)
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Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
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Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
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Section 1324b Does Not Encompass Complaints About Terms and Conditions of Employment				
Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc.	11	OCAHO	1261	(2015)
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Similarly Situated Comparators				
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Subject Matter Jurisdiction				
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7	OCAHO	939	(1997)
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Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7	OCAHO	939	(1997)
Hutchinson v. GTE Data Services	7	OCAHO	954	(1997)
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Lonnie W. Hogenmiller v. Lincare, Inc. 7 OCAHO 953 (1997)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)
Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)
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Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

U.S. Workers Cannot Be Discriminated Against in Favor of Foreign Workers

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

Under Section 1324b Disparate Treatment Must Be Shown

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

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

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)
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Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)
Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

Where Two Legally Independent Remedies Are Provided, No Barrier To Pursuing Both Simultaneously

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

Who Qualifies as a Protected Individual for Citizenship Status Discrimination

Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership 11 OCAHO 1254 (2015)

Norberto Sagal Torres v. Pacific Continental Textiles, Inc. 10 OCAHO 1203 (2013)
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United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1252 (2015)

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Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 628 (1994)
Noe Rodriguez v. Tyson Foods, Inc. 9 OCAHO 1109 (2004)
Tito Ponce Chavez v. National By-Products 4 OCAHO 620 (1994)
United States v. Cordin Company 10 OCAHO 1162 (2012)
United States v. Erlina Fashions, Inc. d/b/a Song Designs, Inc. 4 OCAHO 656 (1994)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1177 (2013)
Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1054 (2000)
Zoila Palma v. Farley Foods 5 OCAHO 757 (1995)

Acting Lawfully Under a Regulation

Tanya Louise Seaver v. BAE Systems 9 OCAHO 1111 (2004)

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Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)

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Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)

Hollingsworth v. Applied Research Associates 7 OCAHO 942 (1997)
Jose Pablo Martinez v. Superior Linen 10 OCAHO 1180 (2013)
Olisaemeka Eze v. West County Transportation Agency 10 OCAHO 1140 (2011)
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Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)
Lee v. AT&T 7 OCAHO 924 (1997)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)
Collateral Estoppel

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al. 5 OCAHO 746 (1995)
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LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)
Sanford J. Strauss v. Rite Aid Corporation 4 OCAHO 721 (1994)
Dismissal With Prejudice is the Equivalent of a Decision on the Merits

United States v. Sahara Wireless International, Inc. 11 OCAHO 1262 (2015)
Dismissal Without Prejudice Leaves the Parties As If No Action Had Been Brought At All

United States v. Sahara Wireless International, Inc. 11 OCAHO 1262 (2015)
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United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1177 (2013)

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Amadeo Gonzalez v. Phoenix Motor Company 3 OCAHO 410 (1992)
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Carlos Alfredo Osorno v. Cesar Geraldo, Owner, Reliable Graphics, Inc. 1 OCAHO 275 (1990)
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Daniel Cavazos v. Wanxiang America Corporation 10 OCAHO 1138 (2011)
Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)
Elizabeth Klimas v. Department of Treasury 3 OCAHO 419 (1992)
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Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)
Frank Thomas Brown v. Baltimore City Public Schools 3 OCAHO 480 (1992)
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Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)
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Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)
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United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

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Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)
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Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)
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Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
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Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche	1	OCAHO	222	(1990)
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LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)

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Marcelino Rivera v. Trees Now, Inc.	1	OCAHO	234	(1990)
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Maria Lourdes Castillo v. Hotel Casa Marina (Marriott)	3	OCAHO	508	(1993)
Marian Ryba v. Temple Steel Company	1	OCAHO	289	(1991)
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United States v. Casa Orozco, Inc.	1	OCAHO	92	(1989)
United States v. Commander Construction, Inc. t/a Commander Construction Company	1	OCAHO	32	(1988)
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United States v. Farmers Insurance Group of Companies	1	OCAHO	22	(1988)
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United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	320	(1991)
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United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1 OCAHO	202	(1990)
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Christopher Winkler v. Timlin Corporation	6 OCAHO	912	(1997)
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Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1083	(2002)
Lee v. AT&T	7 OCAHO	924	(1997)
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Failure to Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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)

Generally

United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing 3 OCAHO 494 (1993)

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

United States v. Business Teleconsultants, Ltd. 3 OCAHO 565 (1993)

United States v. David Day d/b/a David Day Masonry 3 OCAHO 575 (1993)

United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Landscapes By Susanna	3	OCAHO	556	(1993)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
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	559	(1993)
United States v. Satarain, Individually	3	OCAHO	557	(1993)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)
United States v. Wood 'N Stuff	3	OCAHO	574	(1993)
Good Faith Assessment Looks Primarily at Steps Employer Took Before Notice of Inspection				
United States v. Hartmann Studios, Inc.	11	OCAHO	1255	(2015)
Government Bears Burden of Proving Penalty and Aggravating Factor by Preponderance of Evidence				
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167)	11	OCAHO	1258	(2015)
United States v. Homestead Metal Recycling Corp.	11	OCAHO	1251	(2015)
United States v. Kenneth McPeek Racing Stables, Inc.	11	OCAHO	1249	(2015)
United States v. Niche, Inc.	11	OCAHO	1250	(2015)
Government Bears the Burden of Proof on Penalty and Aggravating Factors				

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Government Has Burden of Proof On Fines and Aggravating Factors

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

Government Must Prove Aggravating Factor by Preponderance of Evidence

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

If 5 Factors Considered, Statute Neither Mandates Nor Precludes Mathematical Formula to Set Fine

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

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)

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. Alberta Sosa, Inc.	6 OCAHO	831	(1996)
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)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5 OCAHO	819	(1995)
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)

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

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. 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)
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 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)
United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (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)
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. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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)
Should Deter Future Violations Without Being Unduly Punitive

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

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Durable, Inc. 11 OCAHO 1221 (2014)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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. 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)

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. Clean Sweep Janitor Service 11 OCAHO 1226 (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 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)

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)

FORGED DOCUMENTS

Generally

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)

United States v. Mireya Pedraza-Guzman 5 OCAHO 792 (1995)

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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)

Compliance

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

United States v. Burns and Intra-Continental Enterprises 5 OCAHO 768 (1995)

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

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

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

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

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

United States v. Giamblis Enterprises 5 OCAHO 817 (1995)

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

United States v. Jonel, Inc.	7	OCAHO	967	(1997)
United States v. Karnival Fashion, Inc.	5	OCAHO	769	(1995)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Mesabi Bituminous, Inc.	5	OCAHO	801	(1995)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. R&M Fashion, Inc.	6	OCAHO	826	(1995)
United States v. Seven Elephants Distributing Corp.	10	OCAHO	1173	(2013)
United States v. Tri-Component Product Corporation	5	OCAHO	821	(1995)
United States v. Vogue Pleating, Stitching & Embroidery Corporation	5	OCAHO	782	(1995)
United States v. Walden Station, Inc.	8	OCAHO	1053	(2000)

Document Abuse

Daniel DeNardo v. WH Smith USA Travel	9	OCAHO	1080	(2002)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)

Document Fraud

United States v. Monica Zapata-Cosio	5	OCAHO	822	(1995)
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)
Employers Not At Liberty to Create Own Alternative Employment Eligibility Verification Systems

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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 I-9 Within Three Business Days is Serious Violation

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (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)
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)
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 Prepare Form I-9 Among Most Serious Paperwork Violations

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
Failure to Prepare Form I-9 Subverts the Purpose of the Employment Verification Requirements

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
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)
Generally

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

United States v. David Segura-Sataray 4 OCAHO 703 (1994)
United States v. Davis Nursery, Inc. 4 OCAHO 694 (1994)
United States v. GRS, Inc. d/b/a Gasket Engineering 4 OCAHO 627 (1994)
United States v. Harran Transportation Company, Inc. 6 OCAHO 857 (1996)
United States v. Leticia Cruz-Mandoza 5 OCAHO 750 (1995)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Maria Teresa De Jesus Morales-Martinez 5 OCAHO 727 (1995)
United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
United States v. Simon Osagie Iyawe 5 OCAHO 744 (1995)

I-9 Section 3 To Be Used Only for Reverification After Section 2 is Properly Completed At Hire

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

No Substitute for Proper Completion of Form I-9

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Retention Requirement for Former Employees

United States v. March Construction, Inc. 10 OCAHO 1158 (2012)

The Longer the Delay In Preparing a Form I-9, The More Serious the Violation

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Timely Prepared If Section 1 Completed at Hire and Section 2 Within Three Days of Hire

United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)

Use of Section 3 of Form I-9 Only Proper If Employee Is Rehired or Work Authorization Expires

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

FOURTH AMENDMENT

Consent

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

Exclusionary Rule

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

United States v. Israel Velasquez-Tabir 6 OCAHO 909 (1997)

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

Generally

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)

GOOD CAUSE

Generally

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)

GOOD FAITH

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)

Certification(s)

Production

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

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)

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

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

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

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

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

Generally

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

United States v. Continental Sports Corporation 5 OCAHO 799 (1995)

United States v. De Luca's Market 8 OCAHO 1039 (1999)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1072 (2001)

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

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

United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)

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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ALJ is Not Required to Specify Exactly How Much Overall Penalty Was Reduced for Each Factor

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

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United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
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United States v. Redi-Cut Foods, Inc.	4	OCAHO	659	(1994)
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United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	141	(1990)
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Must Include Nature of Request, Objections, Arguments, and Good Faith Attempt to Resolve

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

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Opposing Party Bears Burden of Persuasion

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Opposing Party Must Specify Objections and Demonstrate That Objections Are Justified

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United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
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Employer's Failure to Ensure Employee Properly Completes Form I-9 Section 1 is Serious Violation

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

United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

Employer's Failure to Sign Form I-9 Section 2 Is A Very Serious Violation

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)

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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

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Failure to Ensure Employee Signs Section 1 is a Substantive Failure

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

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Failure to Properly Verify Documents in Form I-9 Section 2 Is Serious and Substantive Violation

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Failure to Reverify Employment Authorization Document Before Expiration Date Constitutes Violation

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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)
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United States v. Christie Automotive Products	2	OCAHO	361	(1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	67	(1989)
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United States v. Curran Engineering Company, Inc.	7	OCAHO	975	(1997)
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United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services	2	OCAHO	342	(1991)
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United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
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I-9 Retention Required for 3 Years After Hire or 1 Year After Termination, Whichever Is Later				
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United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)
United States v. Draper-King Cole, Inc.	7	OCAHO	933	(1997)
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. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Mesabi Bituminous, Inc.	5	OCAHO	801	(1995)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
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. Union Lakeville Corporation	8	OCAHO	1019	(1998)
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No Expiration Date for Driver's License in Section 2 is Substantive if No Copy Attached

United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
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United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
Omitting Document Number/Expiration Date May Be Technical/Procedural If Document Copy Attached

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
Person Who Signs Attestation Must Be Same Person Who Examines Employee's Original Documents

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
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Systematically Executing False Attestations in Section 2 Is Very Serious Violation

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The Longer the Delay In Preparing a Form I-9, The More Serious the Violation

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Variety of Violations May Be Sufficiently Egregious to Merit Penalties Near Statutory Maximum

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ALJ Can Consider Public Policy of Leniency to Small Entities

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ALJ Considers Five Statutory Factors Set Out in 8 U.S.C. Section 1324a(e)(5) In Assessing the Penalty

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ALJ has Discretion to Adopt ICE's Proposed Penalty Where it is Proportionate and Suitable

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

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

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

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Failure to Prepare I-9 Among Most Serious Paperwork Violations

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

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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. Oscar Eduardo Villatoro-Guzman	4	OCAHO	652	(1994)
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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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Government Must Prove Aggravating Factor by Preponderance of Evidence

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United States v. Morgan's Mexican & Lebanese Foods, Inc.	8 OCAHO	1013	(1998)
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United States v. Oscar Eduardo Villatoro-Guzman	4 OCAHO	652	(1994)
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Notice of Suspect Documents Does Not Alone Establish That Employee is Unauthorized

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

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United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

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United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)

Seriousness of the Violation(s)

United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)

United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)

Size of Business

United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)

United States v. Monroe Novelty Co., Inc. d/b/a Monroe Novelties Corporation 7 OCAHO 986 (1998)

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

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

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Penalties Should Deter Future Violations Without Being Unduly Punitive

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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

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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)

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

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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

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Reasonableness Based On Record As Whole and Statutory Factors in Particular

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

Referring to Discrepancies or Suspect Documents Does Not Alone Prove Employee is Unauthorized

Mere Reference to Information Discrepancies or Suspect Documents Insufficient to Prove

United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

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

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Seriousness of Violation(s)

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United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)

United States v. Taste of China 10 OCAHO 1164 (2013)

Failure to Complete I-9 prior to Notice of Inspection

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United States v. MEMF, LLC d/b/a Black & Blue Steak & Crab - Buffalo 10 OCAHO 1170 (2013)

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Size of Business Did Not Necessitate Further Mitigation of Civil Penalty

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Statute Does Not Prohibit Consideration of Unenumerated Factors

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

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

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

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

Variety of Violations May Be Sufficiently Egregious to Merit Penalties Near Statutory Maximum

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

Where A Violation is Found, The Act Does Not Provide for Waiver of Penalty

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

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Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend 5 OCAHO 726 (1995)

Wartan Bozoghlanian v. Hughes Radar Systems Group 5 OCAHO 741 (1995)

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Boris Gerardo Salazar-Castro v. Cincinnati Public Schools	3	OCAHO	406	(1992)
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Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	549	(1993)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Esther Din Brooks v. KNK Textile	3	OCAHO	545	(1993)
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Maria Lourdes Castillo v. Hotel Casa Marina (Marriott)	3	OCAHO	508	(1993)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3	OCAHO	438	(1992)
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United States v. Guardsmark	3	OCAHO	572	(1993)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	861	(1996)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. Southwest Marine Corporation, a California Corporation	3	OCAHO	429	(1992)

H-1B Visa Holders

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

Individual is Not Protected if, w/in 6 Mths of Eligibility, he/she fails to apply for naturalization

Norberto Sagal Torres v. Pacific Continental Textiles, Inc.	10	OCAHO	1203	(2013)

Naturalization Applicant, Declaration not Completed

United States v. Mesa Airlines	1	OCAHO	74	(1989)

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Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1097	(2003)
Howard Eugene McNier v. San Francisco State University College of Business	8 OCAHO	1030	(1999)
Jamal Y. Elhaj-Chehade v. University of Texas Southwestern Medical School	8 OCAHO	1018	(1998)
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United States v. Northwest Airlines, Inc.	3 OCAHO	408	(1992)

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

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United States v. Gregorio Alabada Makilan 4 OCAHO 610 (1994)

United States v. Martina Limon-Perez 5 OCAHO 796 (1995)

Clarification

Ramiro A. Villalobos v. Roumiguiere Vineyards 4 OCAHO 630 (1994)

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Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 374 (1991)

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

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 136 (1990)

Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 322 (1991)

Mr. Doron Tal v. M. L. Energia, Inc. 3 OCAHO 519 (1993)

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

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Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company	4	OCAHO	675	(1994)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)
United States v. Zabala Vineyards	6	OCAHO	844	(1996)

Must Show Adverse Employment Action Would Not Have Occurred But For Employee's Protected Activity

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

Prima Facie Case

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

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

Gurpreet Sodhi v. Maricopa Medical Center 10 OCAHO 1127 (2008)

Jorge Mario Ipina v. Michigan Jobs Commission 8 OCAHO 1036 (1999)

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

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

United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)

Prima Facie Case May Be Established by Direct or Circumstantial Evidence

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

Protected Activity

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

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

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

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

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

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

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

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

To Qualify as Protected Activity, Conduct Must Implicate Some Right Secured Under Section 1324b

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

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

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

REVERIFICATION

Employer's Duty

United States v. 4431, Inc. t/a Candlelight Inn 4 OCAHO 611 (1994)

United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)

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Zelleka Getahun v. DuPont Merck Pharmaceutical Company 8 OCAHO 1029 (1999)

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United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 829 (1995)

United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels 3 OCAHO 554 (1993)

United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 696 (1994)

United States v. Kaday Musu Thoronka 5 OCAHO 772 (1995)

United States v. Karnival Fashion, Inc. 5 OCAHO 783 (1995)

United States v. Landscapes By Susanna 3 OCAHO 556 (1993)

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

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 559 (1993)

United States v. Satarain, Individually 3 OCAHO 557 (1993)

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

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

Review Limited to Issues Contained in the Request for Review

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

SANCTIONS

Abandonment

United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)

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United States v. Alberto Noriega-Perez 5 OCAHO 811 (1995)

United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 4 OCAHO 615 (1994)

Attorney Fees

Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1091 (2003)

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

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

Attorney Fees Not Permitted As Sanction for Failure to Comply With Discovery Order

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

Civil Money Penalty

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. The Beverly Center 5 OCAHO 762 (1995)

Discovery Sanctions Usually Imposed Only After Order Compelling Discovered is Issued

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

Discovery Violation(s)

Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1091	(2003)
Jose Proto Alcaraz v. General Motors Corporation	7	OCAHO	962	(1997)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	4	OCAHO	636	(1994)
United States v. Westin Galleria & Westin Oaks Hotel	4	OCAHO	701	(1994)

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Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	645	(1994)

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Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center	10	OCAHO	1131	(2009)
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Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	341	(1991)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1091	(2003)
Joan A. Lardy v. United Airlines, Inc.	3	OCAHO	493	(1993)
Omar Egal v. Sears Roebuck & Company	3	OCAHO	442	(1992)
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United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. Armando Alvarez-Suarez	4	OCAHO	699	(1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1	OCAHO	151	(1990)

United States v. David Day d/b/a David Day Masonry	3	OCAHO	553	(1993)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors	1	OCAHO	119	(1989)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. Manca Imports, Inc.	1	OCAHO	268	(1990)
United States v. McDonnell Douglas Corporation	2	OCAHO	351	(1991)
United States v. Mushtaq Ahmed Chaudhry	4	OCAHO	666	(1994)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	202	(1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)
United States v. Park Sunset Hotel	3	OCAHO	525	(1993)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	3	OCAHO	560	(1993)
United States v. Roberto C. Davila	6	OCAHO	895	(1996)
United States v. Scandia Interiors, Inc.	1	OCAHO	290	(1991)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	2	OCAHO	390	(1991)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	409	(1992)
United States v. Weldco, Inc. and Weldco Components, Inc. d/b/a Weldco Products	3	OCAHO	483	(1993)
United States v. YES Industries d/b/a Soft Touch Carwash	1	OCAHO	35	(1988)

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United States v. Enrique Reyes d/b/a King's Produce	4	OCAHO	592	(1994)
United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)

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United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Israel Velasquez-Tabir	6	OCAHO	872	(1996)

United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)

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

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United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)

United States v. Israel Velasquez-Tabir 6 OCAHO 872 (1996)

United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)

United States v. Kuo Liu 1 OCAHO 235 (1990)

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United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)

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United States v. Erlina Fashions, Inc. d/b/a Song Designs, Inc. 4 OCAHO 656 (1994)

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United States v. Silverado Stages, Inc. 10 OCAHO 1185 (2013)

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United States v. Mayfly Fashion, Inc. 6 OCAHO 894 (1996)

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Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 854 (1996)

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Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	214	(1990)
Martin A. Holguin v. Dona Ana Fashions	4	OCAHO	605	(1994)
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Stephen A. Lewis v. Ogden Services	2	OCAHO	384	(1991)
United States v. Ambrocio Morales-Guzman	5	OCAHO	776	(1995)
United States v. Big Bear Market	1	OCAHO	48	(1989)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	514	(1993)
United States v. Dennis M. Dolan d/b/a Old Ocean Beach Café	2	OCAHO	388	(1991)
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United States v. Fancy That, Inc. and New Fancy That, Inc. d/b/a The Great Alaskan Bush Company	3	OCAHO	446	(1992)
United States v. Flat Knitting Mills Company, Inc.	2	OCAHO	317	(1991)
United States v. Gus and Candy Kirk d/b/a Kirk Enterprises	1	OCAHO	72	(1989)
United States v. Honorio Carmona-Anica	5	OCAHO	770	(1995)
United States v. Koamerican Trading Corporation	1	OCAHO	63	(1989)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1	OCAHO	45	(1989)
United States v. Marcos Iniguez-Casillas	6	OCAHO	870	(1996)
United States v. Mario Saikhon, Inc.	1	OCAHO	279	(1990)
United States v. Nicolas Tinoco-Medina	5	OCAHO	806	(1995)
United States v. Prime Landscape Management, Inc.	1	OCAHO	204	(1990)
United States v. Sea Dart Trading Corporation	2	OCAHO	336	(1991)
United States v. Victor Hugo Baches-Corado	3	OCAHO	571	(1993)

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Sanford J. Strauss v. Rite Aid Corporation 4 OCAHO 721 (1994)

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United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)

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United States v. Coastal Transportation, Inc. 1 OCAHO 27 (1988)

United States v. La Luna Azul 1 OCAHO 14 (1988)

United States v. Marcos Iniguez-Casillas 8 OCAHO 1001 (1998)

United States v. Old Town Mexican Café 1 OCAHO 15 (1988)

United States v. Rainbow Steel Company 1 OCAHO 17 (1988)

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United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)

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United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)

United States v. Eduardo Sotelo a/k/a Eduardo Sotelo-Montes 6 OCAHO 921 (1997)

United States v. IBP, Inc. 5 OCAHO 766 (1995)

United States v. Redi-Cut Foods, Inc. 4 OCAHO 659 (1994)

United States v. Sahara Wireless International, Inc. 11 OCAHO 1262 (2015)

United States v. Torres Mexican Food, Inc. 4 OCAHO 596 (1994)

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Azia Aityahia v. Sabena Airline Training Center, Inc. 9 OCAHO 1122 (2006)

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United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)

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United States v. Moses Sportswear, Inc.	6 OCAHO	841	(1996)
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United States v. James L. Baber and Jeff Baber d/b/a Baber Brothers Farm	2 OCAHO	350	(1991)
United States v. Jupiter Crab Company Restaurant	1 OCAHO	6	(1988)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1 OCAHO	28	(1988)
United States v. Lectro Tek Services, Inc.	1 OCAHO	172	(1990)

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United States v. Manca Imports, Inc.	2	OCAHO	347	(1991)
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United States v. Prestige Landscapes	1	OCAHO	11	(1988)
United States v. Sizzler Restaurants International, Inc.	1	OCAHO	263	(1990)
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United States v. Enrique Silva d/b/a J.B.'s Night Club	8	OCAHO	1014	(1998)

United States v. Sizzler Restaurants International, Inc. 2 OCAHO 325 (1991)

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United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)

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United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)

SIZE OF BUSINESS

ALJ Can Consider Public Policy of Leniency to Small Entities

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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

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United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

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

Business Size Not Based on Former Period in Business' History

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OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business			
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Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Robert Anthony Chung v. Federal Bureau of Prisons, FCI Greenville 6 OCAHO 881 (1996)

Tyrone Robinson v. New York State Family Court 5 OCAHO 814 (1995)

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United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Southwest Marine Corporation, a California Corporation	2 OCAHO	400	(1989)

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Jaycee George v. Bridgeport Jai-Alai, Inc. 3 OCAHO 537 (1993)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

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

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May Be Rebutted By Showing That Resolving a Flaw in Statistics Eliminates Disparity

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United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)

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Copying and Attaching Documents Without Properly Completing I-9 Isn't Substantial Compliance

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Failure to Timely Prepare I-9 is Substantive - Not Technical or Procedural - Violation

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Moving Party Who Bears Burden of Proof At Trial Must Present Sufficient Evidence to Support

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