TOPICAL INDEX

5/10 YEAR RULE

Citizenship Status

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

Discrimination

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

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

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Equitable Tolling

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. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Generally

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

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

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

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 695 (1994)

Persons Protected

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

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

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Regulations

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Statute of Limitations

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 4 OCAHO 710 (1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 5 OCAHO 726 (1995)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)
Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)
Time Computation(s)

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. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)
ABANDONMENT
Compliance

Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)
Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 628 (1994)
Dismissal

Abdul Hamid Kadir v. Regal Dental Ceramics 4 OCAHO 598 (1994)
Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 622 (1994)
LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)

Martin A. Holguin v. Dona Ana Fashions 4 OCAHO 605 (1994)
Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 628 (1994)
Tito Ponce Chavez v. National By-Products 4 OCAHO 620 (1994)
United States v. Cordin Company 10 OCAHO 1162 (2012)
United States v. McDonnell Douglas Corporation 4 OCAHO 616 (1994)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1177 (2013)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
Zoila Palma v. Farley Foods 5 OCAHO 757 (1995)

Final Order of Dismissal Based on Abandonment Analogous to Entry of Default Judgment

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Generally

Adolfo Cruz Deguzman v. First America Bank Corporation 3 OCAHO 585 (1993)
Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)
Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)
Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas 3 OCAHO 476 (1992)
Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 79 (1989)
Juan Antonio Cardona Godinez v. Armguard Security Patrol 3 OCAHO 490 (1993)
Lazaro Antonio Arrieta v. Michigan Employment Security Commission 3 OCAHO 471 (1992)
Maria Guzman v. Guardian Electric Manufacturing Company 3 OCAHO 546 (1993)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott) 3 OCAHO 508 (1993)
Omar Egal v. Sears Roebuck & Company 3 OCAHO 442 (1992)
Tyrone Robinson v. New York State Family Court 5 OCAHO 814 (1995)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc. 5 OCAHO 789 (1995)

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. Jabil Circuit, Inc. 10 OCAHO 1146 (2012)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant 3 OCAHO 479 (1992)
United States v. M.C.S.M. Inc. d/b/a Tre Fratelly Restaurant 3 OCAHO 544 (1993)
United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)
United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)
United States v. Rodeo Night Club 5 OCAHO 812 (1995)
United States v. Victor Hugo Baches-Corado 3 OCAHO 571 (1993)
No Response
United States v. Columbia Sportswear Manufacturers, Inc. 5 OCAHO 808 (1995)
United States v. Cordin Company 10 OCAHO 1162 (2012)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 681 (1994)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)
United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)
Pro Se
Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)
Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Service
United States v. Erlina Fashions, Inc. d/b/a Song Designs, Inc. 4 OCAHO 656 (1994)
ABUSE OF PROCESS
Generally
United States v. Hotel Martha Washington Corporation 6 OCAHO 846 (1996)

ADMINISTRATIVE AGENCIES

Charge

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

DHS Has Prosecutorial Discretion to Decide How to Perform Worksite Enforcement Audits

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

DHS Has Prosecutorial Discretion to Decide Whether to Issue Notice of Intent to Fine

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Dismissal

Document Abuse

Costigan v. NYNEX 6 OCAHO 918 (1997)

Equal Employment Opportunity Commission

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)

Ching Hua Huang v. United States Postal Service 2 OCAHO 313 (1991)

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)

Corneliu Curuta v. United States Water Conservation Laboratory 3 OCAHO 459 (1992)

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

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 2 OCAHO 348 (1991)

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 386 (1991)

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

Marian Ryba v. Temple Steel Company 1 OCAHO 289 (1991)

Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)

Stephen A. Lewis v. Ogden Services 2 OCAHO 375 (1991)

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

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

Jurisdiction

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

Michael K. Wockenfuss v. Bureau of Prisons 5 OCAHO 767 (1995)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)

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

Memorandum of Understanding (MOU)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)

Equitable Tolling

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

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)

Equitable Tolling of Complaint Filing Period

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

Intervention

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 2 OCAHO 341 (1991)

Jurisdiction

Cormia v. Home Care Giver Services 10 OCAHO 1160 (2012)

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

Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)

Memorandum of Understanding (MOU)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

United States v. Auburn University 4 OCAHO 617 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

Scope

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

Office of Special Counsel

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

Charge

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 690 (1994)

Complaint(s)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Dismissal

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

Document Abuse

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

Equitable Tolling

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

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

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 838 (1996)

United States v. Auburn University 4 OCAHO 602 (1994)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Generally

Alexsandr Yakubson v. Effective Security	6	OCAHO	858	(1996)
Anthony F. Lundy v. OOCL, Inc.	1	OCAHO	215	(1990)
Crecencio Cabrera Mendez v. Jim Daniels	2	OCAHO	374	(1991)
Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche	1	OCAHO	222	(1990)
Fordjour v. General Dynamics	1	OCAHO	286	(1991)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	484	(1993)
In re Investigation of Carolina Employers Association, Subpoena	3	OCAHO	455	(1992)
In re Investigation of Florida Azalea Specialist, Subpoena	3	OCAHO	523	(1993)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	341	(1991)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	348	(1991)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	228	(1990)
James D. Westendorf v. Brown & Root, Inc.	3	OCAHO	405	(1992)
Jaycee George v. Bridgeport Jai-Alai, Inc.	3	OCAHO	537	(1993)
Jorge Mario Ipina v. Michigan Department of Labor	2	OCAHO	386	(1991)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	466	(1992)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3	OCAHO	418	(1992)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. McDonnell Douglas Corporation	2	OCAHO	380	(1991)
United States v. McDonnell Douglas Corporation	3	OCAHO	507	(1993)
United States v. Mesa Airlines	1	OCAHO	74	(1989)
United States v. The Beverly Center	5	OCAHO	762	(1995)
United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation	3	OCAHO	413	(1992)
United States v. Workrite Uniform Company, Inc.	5	OCAHO	736	(1995)
Independent Investigations				
In re Investigation of Wal-Mart Distribution Center, Subpoena	5	OCAHO	788	(1995)
United States v. Robison Fruit Ranch, Inc.	4	OCAHO	594	(1994)
Intervention				
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	228	(1990)

Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	137	(1990)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	140	(1990)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1 OCAHO	25	(1988)
Jurisdiction			
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595	(1994)
Martin Flores v. Logan Foods Company	6 OCAHO	874	(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. Auburn University	4 OCAHO	602	(1994)
United States v. Auburn University	4 OCAHO	617	(1994)
United States v. Hotel Martha Washington Corporation	5 OCAHO	786	(1995)
Memorandum of Understanding (MOU)			
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
Linda S. Walker v. United Airlines, Inc.	4 OCAHO	686	(1994)
Sara Caspi v. William J. Hoffman and Trigild Corporation	6 OCAHO	907	(1997)
United States v. Auburn University	4 OCAHO	617	(1994)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	879	(1996)
Sanction(s)			
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	4 OCAHO	636	(1994)
Settlement			
United States v. Redi-Cut Foods, Inc.	4 OCAHO	659	(1994)
Statute of Limitations			
United States v. Fairfield Jersey, Inc.	9 OCAHO	1069	(2001)
United States v. IBP, Inc.	5 OCAHO	766	(1995)
United States v. Workrite Uniform Company, Inc.	5 OCAHO	755	(1995)
Subpoena			
In re Investigation of Wal-Mart Distribution Center, Subpoena	5 OCAHO	788	(1995)
Withdrawal			
United States v. Auburn University	4 OCAHO	658	(1994)

United States v. Auburn University 4 OCAHO 662 (1994)

Sanctions

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Settlement

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

United States v. New Mexico State Fair 6 OCAHO 898 (1996)

Statute of Limitations

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

Subpoena Enforcement

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

ADMINISTRATIVE LAW AND PROCEDURE

Abandonment

Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)

Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 628 (1994)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

Tito Ponce Chavez v. National By-Products 4 OCAHO 620 (1994)

United States v. Cordin Company 10 OCAHO 1162 (2012)

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

Admission(s)

United States v. Dolly Boman Irani 6 OCAHO 860 (1996)

United States v. Ziagul Zekreya 4 OCAHO 677 (1994)

Affidavit(s)

United States v. 1010 Morris Avenue Food Corporation 6 OCAHO 885 (1996)

Affirmative Defense(s)

United States v. A & A Maintenance Enterprise, Inc. 6 OCAHO 852 (1996)

United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)

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

United States v. Dolly Boman Irani 6 OCAHO 860 (1996)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 899 (1996)

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

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

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

United States v. MAC Specialties Ltd. 6 OCAHO 920 (1997)

United States v. Marisol Chavez-Ramirez 5 OCAHO 774 (1995)

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

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

United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)

ALJ Has Authority to Compel Production of Documents and Responses to Discovery Requests

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Amended

United States v. Burns and Intra-Continental Enterprises 4 OCAHO 679 (1994)

Answer

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

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

United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Alberto Noriega-Perez	5 OCAHO	798	(1995)
United States v. Ambrocio Morales-Guzman	5 OCAHO	787	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	742	(1995)
United States v. Columbia Sportswear Manufacturers, Inc.	5 OCAHO	808	(1995)
United States v. Cordin Company	10 OCAHO	1162	(2012)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5 OCAHO	789	(1995)
United States v. David Jenkins	4 OCAHO	649	(1994)
United States v. Green Plaza, Inc.	4 OCAHO	618	(1994)
United States v. Gregorio Alabada Makilan	4 OCAHO	610	(1994)
United States v. Karnival Fashion, Inc.	5 OCAHO	769	(1995)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6 OCAHO	865	(1996)

Certification(s)

United States v. Pedro Dominguez	6 OCAHO	876	(1996)

Civil Money Penalty

United States v. Alberta Sosa, Inc.	6 OCAHO	831	(1996)
United States v. Alberto Noriega-Perez	6 OCAHO	859	(1996)
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. Continental Sports Corporation	5 OCAHO	799	(1995)
United States v. Crescent City Meat Company, Inc.	11 OCAHO	1217	(2014)
United States v. DJ Drywall, Inc.	10 OCAHO	1136	(2010)
United States v. El Azteca Dunkirk, Inc.	10 OCAHO	1172	(2013)
United States v. Four Star Knitting, Inc.	6 OCAHO	868	(1996)
United States v. Giamblis Enterprises	6 OCAHO	834	(1996)
United States v. Gloria Fashions, Inc.	6 OCAHO	887	(1996)

United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Kerry J. Vicker d/b/a SNB Cleaning 5 OCAHO 819 (1995)
United States v. Nancy Mubarki 5 OCAHO 816 (1995)
United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)
United States v. Pedro Dominguez 7 OCAHO 972 (1997)
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. Tri-Component Product Corporation 6 OCAHO 853 (1996)

Class Action

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Joan A. Lardy v. United Airlines, Inc. 6 OCAHO 843 (1996)
Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)
United States v. Israel Velasquez-Tabir 6 OCAHO 872 (1996)
United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)

Complaint

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Tina B. Boyd v. Amzi Sherling, DDS 6 OCAHO 916 (1997)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

Complaint Must Identify with Specificity Each Violation Alleged

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

Consent

United States v. La Luna Azul	1 OCAHO	9	(1988)

Consolidation

Elodia Guzman v. Yakima Fruit & Cold Storage	9 OCAHO	1063	(2000)

Default

D'Amico v. Erie Community College	7 OCAHO	927	(1997)
Ronald C. Wilson v. Harrisburg School District	6 OCAHO	919	(1997)
Tyrone Robinson v. New York State Family Court	5 OCAHO	814	(1995)
United States v. A & A Maintenance Enterprise, Inc.	6 OCAHO	852	(1996)
United States v. Continental Forestry Service	6 OCAHO	836	(1996)
United States v. Hotel Valet, Inc. d/b/a New York Valet	6 OCAHO	849	(1996)
United States v. Moses Sportswear, Inc.	6 OCAHO	841	(1996)
United States v. Rodeo Night Club	5 OCAHO	812	(1995)
United States v. U.S. Style, Inc.	6 OCAHO	827	(1995)

Depositions

United States v. Armando Alvarez-Suarez	4 OCAHO	651	(1994)
United States v. Leonor Yolanda Ortiz	6 OCAHO	863	(1996)
United States v. Nicolas Tinoco-Medina	6 OCAHO	890	(1996)
United States v. Pedro Dominguez	6 OCAHO	910	(1997)
United States v. Roberto C. Davila	6 OCAHO	895	(1996)
United States v. Roberto C. Davila	6 OCAHO	903	(1996)
United States v. Roberto C. Davila	6 OCAHO	902	(1996)

Discovery

Iron Workers Local 455 v. Lake Construction & Development Corporation	6 OCAHO	911	(1997)

Leonid Naginsky v. Department of Defense	5	OCAHO	802	(1995)
Leonid Naginsky v. Department of Defense	5	OCAHO	813	(1995)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	613	(1994)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	4	OCAHO	678	(1994)
Terrence McCaffrey v. LSI Logic Corporation	6	OCAHO	883	(1996)
United States v. Alberta Sosa, Inc.	5	OCAHO	731	(1995)
United States v. Alberto Noriega-Perez	5	OCAHO	798	(1995)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Armando Alvarez-Suarez	4	OCAHO	651	(1994)
United States v. C&K Metals, Inc. a/k/a Leach Cast & Steel, Inc.	6	OCAHO	845	(1996)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Marvlee, Inc.	5	OCAHO	728	(1995)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1052	(2000)
United States v. Robison Fruit Ranch, Inc.	4	OCAHO	700	(1994)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
United States v. Volvo Trucks North America, Inc.	8	OCAHO	1006	(1998)
United States v. Zabala Vineyards	5	OCAHO	734	(1995)

Dismissal

Abdul Hamid Kadir v. Regal Dental Ceramics	4	OCAHO	598	(1994)
Benjamin A. K. Yohan v. Central State Hospital	4	OCAHO	622	(1994)
Brenda Bent v. Brotman Medical Center Pulse Health Services	5	OCAHO	764	(1995)
Earl Russel Horne v. Town of Hampstead	6	OCAHO	884	(1996)
Earl Russel Horne v. Town of Hampstead	6	OCAHO	906	(1997)
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4	OCAHO	612	(1994)
Eusebio Huesca v. Rojas Bakery	4	OCAHO	654	(1994)
Hernandez v. Farley Candy Company	5	OCAHO	810	(1995)

Kasathsko v. Internal Revenue Service	6	OCAHO	840	(1996)
LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
Linda S. Walker v. United Airlines, Inc.	6	OCAHO	856	(1996)
Michael K. Lee v. Airtouch Communications	6	OCAHO	901	(1996)
Miguel A. Gallegos v. Magna-View, Inc.	4	OCAHO	628	(1994)
Olisaemeka Eze v. West County Transportation Agency	10	OCAHO	1140	(2011)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Ronald C. Wilson v. Harrisburg School District	6	OCAHO	919	(1997)
Sanford J. Strauss v. Rite Aid Corporation	4	OCAHO	721	(1994)
Shensheng Zhao v. Sacot, Inc. and/or Grand CMS Company, Ltd.	6	OCAHO	850	(1996)
Susan K. Horst v. Juneau School District City and Borough of Juneau	7	OCAHO	957	(1997)
Tina B. Boyd v. Amzi Sherling, DDS	6	OCAHO	916	(1997)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Eduardo Sotelo a/k/a Eduardo Sotelo-Montes	6	OCAHO	921	(1997)
United States v. Mayfly Fashion, Inc.	6	OCAHO	894	(1996)
United States v. Mitchell Greif, President, Coast Poly, LLC	10	OCAHO	1183	(2013)
United States v. Simon Osagie Iyawe	5	OCAHO	744	(1995)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4	OCAHO	660	(1994)
Zoila Palma v. Farley Foods	5	OCAHO	757	(1995)
Document Abuse				
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc.	6	OCAHO	923	(1997)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection	7	OCAHO	925	(1997)
Failure to State a Claim				
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Statute of Limitations				
Jose R. Lima v. New York City Department of Education	10	OCAHO	1128	(2009)
Subject Matter Jurisdiction				
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)

Untimely Filing(s)

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

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

Double Jeopardy

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Errata/Erratum

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

Jarvis v. AK Steel 7 OCAHO 952 (1997)

Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 935 (1997)

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

Paul C. Iwuchukwu v. City of Grand Prairie 6 OCAHO 915 (1997)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 838 (1996)

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 828 (1995)

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)

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

United States v. Chums Corporation 6 OCAHO 842 (1996)

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

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

United States v. Gloria Fashions, Inc. 6 OCAHO 839 (1996)

United States v. Hotel Martha Washington Corporation 6 OCAHO 846 (1996)

United States v. Kumar 6 OCAHO 833 (1996)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)

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

Evidence

United States v. Armando Alvarez-Suarez	6	OCAHO	862	(1996)
United States v. Dolly Boman Irani	6	OCAHO	860	(1996)
United States v. Kumar	6	OCAHO	833	(1996)
United States v. Martin Palominos-Talavera	6	OCAHO	896	(1996)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
Ex Parte Communication(s)				
Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	645	(1994)
Frederick John Harris v. State of Hawaii, Department of Education	6	OCAHO	922	(1997)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	854	(1996)
United States v. Red Lobster	4	OCAHO	631	(1994)
Excessive Fines				
United States v. A&J Kyoto Japanese Restaurant, Inc.	10	OCAHO	1186	(2013)
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. Mr. Mike's Pizza, Inc.	10	OCAHO	1196	(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. Pedro Dominguez	6	OCAHO	878	(1996)
Final Order				
United States v. Workrite Uniform Company, Inc.	5	OCAHO	755	(1995)
Generally				
Adnan Niaz Mir v. Federal Bureau of Prisons	3	OCAHO	510	(1993)
Adnan Niaz Mir v. Federal Bureau of Prisons	3	OCAHO	577	(1993)

Adolfo Cruz Deguzman v. First America Bank Corporation	3	OCAHO	585	(1993)
Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	635	(1994)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	460	(1992)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Esther Din Brooks v. Watts Window World	3	OCAHO	570	(1993)
Eusebio Huesca v. Rojas Bakery	4	OCAHO	654	(1994)
Florinda Kattan v. Union League Club of Chicago	3	OCAHO	586	(1993)
Florinda Kattan v. Union League Club of Chicago	4	OCAHO	599	(1994)
In re Investigation of ABM Industries, Subpoena	5	OCAHO	763	(1995)
In re Investigation of Carolina Employers Association, Subpoena	3	OCAHO	455	(1992)
In re Investigation of Valley Crest Tree Company, Subpoena	3	OCAHO	579	(1993)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
Leonid Naginsky v. Department of Defense	5	OCAHO	813	(1995)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Nripendra S. Dhillon v. Regents of the University of California	3	OCAHO	497	(1993)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Terrence McCaffrey v. LSI Logic Corporation	6	OCAHO	883	(1996)
United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Esther Flores-Martinez	4	OCAHO	713	(1994)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Mohammed Noorealam	5	OCAHO	753	(1995)
United States v. Mushtaq Ahmed Chaudhry	3	OCAHO	588	(1993)
United States v. Power Operating Company	3	OCAHO	580	(1993)
United States v. Rainbow Steel Company	1	OCAHO	12	(1988)
United States v. Roberto C. Davila	6	OCAHO	895	(1996)

United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels 3 OCAHO 589 (1993)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)

Hearing(s)

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)
Hernandez v. Farley Candy Company 5 OCAHO 781 (1995)
United States v. R&M Fashion, Inc. 6 OCAHO 826 (1995)

Jeopardy

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Judgment on the Pleadings

United States v. Chums Corporation 6 OCAHO 842 (1996)
United States v. Feliciano Leon-Gutierrez 6 OCAHO 875 (1996)
United States v. Gloria Fashions, Inc. 6 OCAHO 839 (1996)
United States v. Harran Transportation Company, Inc. 6 OCAHO 857 (1996)

Jurisdiction

Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)
Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Costigan v. NYNEX 6 OCAHO 918 (1997)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 6 OCAHO 923 (1997)
Julian Sahagun v. Bend-Pack, Inc. 5 OCAHO 809 (1995)
Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)
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)

Miguel A. Gallegos v. Magna-View, Inc.	4 OCAHO	619	(1994)
Paul C. Iwuchukwu v. City of Grand Prairie	6 OCAHO	915	(1997)
Ronald C. Wilson v. Harrisburg School District	6 OCAHO	919	(1997)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
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)
Terrence McCaffrey v. LSI Logic Corporation	6 OCAHO	867	(1996)
Tina B. Boyd v. Amzi Sherling, DDS	6 OCAHO	916	(1997)
Knowledge of Regulations			
United States v. Cordin Company	10 OCAHO	1162	(2012)
Letter of Determination			
Jose R. Lima v. New York City Department of Education	10 OCAHO	1128	(2009)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	861	(1996)
Modification(s)			
United States v. Corporate Loss Prevention Associates, Ltd.	6 OCAHO	908	(1997)
United States v. Danny Mathis d/b/a Mathis Maspory	5 OCAHO	752	(1995)
United States v. Galilee Fashions, Inc.	4 OCAHO	697	(1994)
United States v. Javier Morales-Vargas a/k/a Daniel Avasolos-Velasqez	5 OCAHO	732	(1995)
United States v. Leticia Cruz-Mandoza	5 OCAHO	750	(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)
Motion(s)			

Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 4 OCAHO 678 (1994)
Wartan Bozoghlanian v. Hughes Radar Systems Group 5 OCAHO 741 (1995)
Notice of Hearing

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)
Office of Special Counsel

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
Office of Special Counsel Investigation(s)

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1049 (2000)
Parties Are Presumed to Know the Rules of Practice and Procedure That Govern OCAHO Cases

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 a (2015)
Party/Parties

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)
Pleadings

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)
Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 668 (1994)
United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
Post-Hearing Brief

Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 603 (1994)
Privilege Claim

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 897 (1996)

Proceeding

Abdul Hamid Kadir v. Regal Dental Ceramics 4 OCAHO 598 (1994)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)
United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Reconsideration

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)
United States v. Gauriel Vanounou d/b/a Surf's Up Custom T-Shirts 1 OCAHO 73 (1989)
United States v. WSC Plumbing, Inc. 9 OCAHO 1071 (2001)

Review of Final Orders

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)

Sanctions

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
United States v. Alberto Noriega-Perez 5 OCAHO 798 (1995)
United States v. Giamblis Enterprises 5 OCAHO 807 (1995)
United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

Service

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)
Sanford J. Strauss v. Rite Aid Corporation 4 OCAHO 721 (1994)
United States v. Ambrocio Morales-Guzman 5 OCAHO 776 (1995)
United States v. Marcos Iniguez-Casillas 6 OCAHO 870 (1996)
United States v. Nancy Mubarki 5 OCAHO 816 (1995)

United States v. Spring & Soon Fashion, Inc.	7	OCAHO	982	(1997)
Settlement				
Azia Aityahia v. Sabena Airline Training Center, Inc.	9	OCAHO	1122	(2006)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1127	(2007)
United States v. California Mantel, Inc.	10	OCAHO	1168	(2013)
United States v. Galilee Fashions, Inc.	4	OCAHO	697	(1994)
United States v. Moses Sportswear, Inc.	6	OCAHO	841	(1996)
United States v. New Mexico State Fair	6	OCAHO	898	(1996)
United States v. Torres Mexican Food, Inc.	4	OCAHO	596	(1994)
Enforcement				
Olimpia Tovar v. United States Postal Service	4	OCAHO	650	(1994)
Refusal to Approve				
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Statute of Limitations				
United States v. Naim Ojeil & Samoeil Ishk	7	OCAHO	984	(1998)
United States v. Workrite Uniform Company, Inc.	5	OCAHO	755	(1995)
Subject Matter Jurisdiction				
Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center	12	OCAHO	1279	(2016)
Subpoena				
United States v. Armando Alvarez-Suarez	4	OCAHO	651	(1994)
Subpoena Enforcement				
In Re Investigation of: NHS Human Services	10	OCAHO	1198	(2013)
Summary Decision				

Chao v. McDonnell Douglas Corporation	6	OCAHO	824	(1995)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1127	(2007)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	638	(1994)
Natasha Dionne Humphries v. PalmOne	9	OCAHO	1112	(2004)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6	OCAHO	882	(1996)
United States v. 1010 Morris Avenue Food Corporation	6	OCAHO	885	(1996)
United States v. Alberta Sosa, Inc.	5	OCAHO	739	(1995)
United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	4	OCAHO	718	(1994)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Corporate Loss Prevention Associates, Ltd.	6	OCAHO	908	(1997)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. Esther Flores-Martinez	5	OCAHO	733	(1995)
United States v. Four Star Knitting, Inc.	5	OCAHO	815	(1995)
United States v. Golden Employment Group, Inc.	12	OCAHO	1274	(2016)
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. Israel Velasquez-Tabir	6	OCAHO	914	(1997)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc.	6	OCAHO	851	(1996)
United States v. Julio Carpio-Lingan	6	OCAHO	914	(1997)

United States v. Kerry J. Vicker d/b/a SNB Cleaning 5 OCAHO 819 (1995)
United States v. Kumar 6 OCAHO 833 (1996)
United States v. Lambok Sihombing 7 OCAHO 944 (1997)
United States v. Leonor Yolanda Ortiz 6 OCAHO 905 (1996)
United States v. Marisol Chavez-Ramirez 5 OCAHO 774 (1995)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)
United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)
United States v. Martina Limon-Perez 5 OCAHO 796 (1995)
United States v. Mesabi Bituminous, Inc. 5 OCAHO 801 (1995)
United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)
United States v. Ricardo Calderon, Inc. 5 OCAHO 805 (1995)
United States v. The Beverly Center 5 OCAHO 762 (1995)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)

Summary Deposition

United States v. Leonor Yolanda Ortiz 6 OCAHO 863 (1996)

Unpublished Decisions Lack Precedential Value and Should Not Be Cited/Relied On In Other Cases

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

Untimely Filing

Ernestina C. Lopez v. James Jung, Hallmark Cleaners 10 OCAHO 1171 (2013)
Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
Sall v. Wal-Mart Stores, Inc. 10 OCAHO 1161 (2012)

Withdrawal

United States v. Continental Sports Corporation 5 OCAHO 799 (1995)
United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Green Plaza, Inc.	4 OCAHO	618	(1994)
United States v. Kanon Associated Services, Inc.	5 OCAHO	800	(1995)
United States v. Mark's Electrical Contracting Corporation	4 OCAHO	641	(1994)
United States v. Nancy Mubarki	5 OCAHO	816	(1995)
United States v. Pan American Supply Company, Inc.	5 OCAHO	804	(1995)
United States v. Renato Parondo Jaque	6 OCAHO	823	(1995)
Work Authorization			
United States v. Armando Alvarez-Suarez	4 OCAHO	655	(1994)
United States v. Jonel, Inc.	8 OCAHO	1008	(1998)
ADMINISTRATIVE PROCEDURE ACT			
Evidence			
United States v. Kumar	6 OCAHO	833	(1996)
United States v. Snack Attack Deli, Inc.	10 OCAHO	1137	(2010)
Generally			
LeEdwards v. Kumagai International USA Corporation	4 OCAHO	609	(1994)
Mester Manufacturing Company v. United States	1 OCAHO	44	(1989)
United States v. ABC Roofing & Waterproofing, Inc.	2 OCAHO	358	(1991)
United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant	1 OCAHO	216	(1990)
United States v. Koamerican Trading Corporation	1 OCAHO	63	(1989)
United States v. Maka's Akamai Service	1 OCAHO	36	(1988)
United States v. New El Rey Sausage Company	1 OCAHO	78	(1989)
United States v. Sergio Alaniz d/b/a Sagunada	1 OCAHO	245	(1990)
Hearing(s)			

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 623 (1994)

Order(s)

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

ADMINISTRATIVE REVIEW

Affirmation(s)

United States v. Big Bear Market 1 OCAHO 55 (1989)

United States v. Citizen's Utilities Company, Inc., Telephone Division 1 OCAHO 120 (1990)

United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 129 (1990)

United States v. Felipe, Inc. 1 OCAHO 108 (1989)

United States v. Francois Kissel, Owner d/b/a Maximilien-In-the-Market 1 OCAHO 62 (1989)

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

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

United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 1 OCAHO 280 (1990)

United States v. Gus and Candy Kirk d/b/a Kirk Enterprises 1 OCAHO 80 (1989)

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

United States v. Lea's Party Rentals, Inc. 1 OCAHO 124 (1990)

United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant 1 OCAHO 47 (1989)

United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers 1 OCAHO 184 (1990)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

United States v. Shine Auto Service 1 OCAHO 102 (1989)

United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 112 (1989)

United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 57 (1989)

ALJ's Penalty Assessment Need Not Be Disturbed If It Is Reasonable in Light of Statutory Factors

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Amended Order Does Not Toll Time Period for Filing Request for Review If Changes Are Only Clerical

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Brief Sent by Overnight Delivery on Due Date Must also be Faxed to be Considered Timely

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

CAHO May Deny Request for Review If Filing and Service Is Not Timely

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

Certification(s)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

United States v. Pedro Dominguez 7 OCAHO 973 (1997)

Date of Entry of the ALJ's Order Begins the 10-Day Time Period for Filing a Request for Review

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Denial of Review

United States v. Christie Automotive Products 2 OCAHO 365 (1991)

United States v. Cordin Company 10 OCAHO 1162 (2012)

United States v. Dodge Printing Centers, Inc. 1 OCAHO 159 (1990)

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

United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 303 (1991)

United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 312 (1991)

United States v. Power Operating Company 3 OCAHO 561 (1993)

United States v. Robert Cleek d/b/a Robert Cleek Concrete Company 1 OCAHO 182 (1990)

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

Documents are not Considered Filed Until Received By OCAHO

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)
Filing and Service

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

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

Mester Manufacturing Company v. United States 1 OCAHO 44 (1989)
United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 358 (1991)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 829 (1995)
United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 696 (1994)
United States v. Karnival Fashion, Inc. 5 OCAHO 783 (1995)
United States v. Koamerican Trading Corporation 1 OCAHO 63 (1989)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm 1 OCAHO 212 (1990)
United States v. Maka's Akamai Service 1 OCAHO 36 (1988)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)
United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)
United States v. New El Rey Sausage Company 1 OCAHO 78 (1989)
United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)
United States v. Power Operating Company 3 OCAHO 561 (1993)
Interlocutory Order (s)

United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)
Issues Not Properly Raised Below Cannot Be Raised for the First Time on Review

United States v. Frimmel Management, LLC d/b/a Uncle Sam's	12 OCAHO	1271 a		(2016)
United States v. M & D Masonry	10 OCAHO	1215		(2014)

Modification(s)

United States v. ABC Roofing & Waterproofing, Inc.	2 OCAHO	358		(1991)
United States v. ABC Roofing & Waterproofing, Inc.	2 OCAHO	382		(1991)
United States v. Applied Computer Technology	2 OCAHO	367		(1991)
United States v. Armando Alvarez-Suarez	4 OCAHO	699		(1994)
United States v. Charles C. W. Wu d/b/a Airport Budget Hotel	3 OCAHO	434		(1992)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5 OCAHO	794		(1995)
United States v. Chuy's Paint & Body Shop	1 OCAHO	19		(1988)
United States v. Coastal Transportation, Inc.	1 OCAHO	27		(1988)
United States v. Coastal Ventures, Limited d/b/a Wendy's/Daly, Limited	1 OCAHO	23		(1988)
United States v. Corporate Loss Prevention Associates, Ltd.	6 OCAHO	908		(1997)
United States v. Danny Mathis d/b/a Mathis Maspory	4 OCAHO	717		(1995)
United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3 OCAHO	554		(1993)
United States v. Elsinore Manufacturing, Inc.	1 OCAHO	13		(1988)
United States v. Javier Morales-Vargas a/k/a Daniel Avasolos-Velasqez	5 OCAHO	732		(1995)
United States v. Karnival Fashion, Inc.	5 OCAHO	783		(1995)
United States v. La Luna Azul	1 OCAHO	14		(1988)
United States v. Landscapes By Susanna	3 OCAHO	556		(1993)
United States v. Leticia Cruz-Mandoza	5 OCAHO	750		(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. New El Rey Sausage Company	1 OCAHO	78		(1989)
United States v. New Peking, Inc. d/b/a New Peking Chinese Restaurant	2 OCAHO	329		(1991)

United States v. New Peking, Inc. d/b/a New Peking Chinese Restaurant	2 OCAHO	339		(1991)
United States v. Old Town Mexican Café	1 OCAHO	15		(1988)
United States v. Park Sunset Hotel	3 OCAHO	525		(1993)
United States v. Patricio Torres, Individually and d/b/a Superior Roof Services	1 OCAHO	83		(1989)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service	5 OCAHO	760		(1995)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3 OCAHO	559		(1993)
United States v. Prestige Landscapes	1 OCAHO	16		(1988)
United States v. Rainbow Steel Company	1 OCAHO	17		(1988)
United States v. Satarain, Individually	3 OCAHO	557		(1993)
United States v. Simon Osagie Iyawe	5 OCAHO	744		(1995)
Motion to Vacate ALJ's Final Order of Dismissal Construed as Request for Administrative Review				
United States v. Vilardo Vineyards	11 OCAHO	1248		(2015)
Remand				
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)
Request for Review Filed After Ten-Day Deadline is Untimely Unless Equitable Tolling Applies				
United States v. Buffalo Transportation, Inc.	11 OCAHO	1263	a	(2015)
United States v. Chen Wilmington, Inc.	11 OCAHO	1241		(2015)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247	a	(2015)
Request for Review Must Be Timely Filed and Served to Give Opposing Party Time to Respond				
United States v. Buffalo Transportation, Inc.	11 OCAHO	1263	a	(2015)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247	a	(2015)
Requests for Review Must Be Filed and Served by Expedited Delivery Methods				

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Review Limited to Issues Contained in the Request for Review

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

Show Cause

United States v. Armando Alvarez-Suarez 4 OCAHO 699 (1994)

Summary Decision

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)

The CAHO Is Authorized to Apply a De Novo Standard of Review to the ALJ's Decision

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Timeliness

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

United States v. Cordin Company 10 OCAHO 1162 (2012)

United States v. Dodge Printing Centers, Inc. 1 OCAHO 181 (1990)

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

United States v. New El Rey Sausage Company 1 OCAHO 785 (1989)

United States v. Robert Cleek d/b/a Robert Cleek Concrete Company 1 OCAHO 182 (1990)

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

Vacation(s)

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

United States v. Casa Lupe	1 OCAHO	31	(1988)
United States v. Crescent City Meat Company, Inc.	11 OCAHO	1217	(2014)
United States v. Koamerican Trading Corporation	1 OCAHO	63	(1989)
United States v. Maka's Akamai Service	1 OCAHO	36	(1988)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1 OCAHO	274	(1990)
United States v. Shine Auto Service	1 OCAHO	70	(1989)
United States v. Tenampa Ballroom	1 OCAHO	34	(1988)
United States v. Vilardo Vineyards	11 OCAHO	1248	(2015)

ADMISSIONS

Amended

United States v. Tempo Plastic Company, Inc.	8 OCAHO	1010	(1998)

Generally

United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Alberto Noriega-Perez	5 OCAHO	798	(1995)
United States v. Alberto Noriega-Perez	5 OCAHO	811	(1995)
United States v. Alberto Noriega-Perez	6 OCAHO	859	(1996)
United States v. Burns and Intra-Continental Enterprises	5 OCAHO	759	(1995)
United States v. Dolly Boman Irani	6 OCAHO	860	(1996)
United States v. Four Star Knitting, Inc.	5 OCAHO	815	(1995)
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. Kanon Associated Services, Inc.	5 OCAHO	800	(1995)
United States v. Karnival Fashion, Inc.	5 OCAHO	769	(1995)
United States v. Orlando Diaz-Rosas	4 OCAHO	702	(1994)
United States v. Spring & Soon Fashion, Inc.	8 OCAHO	1003	(1998)
United States v. Tempo Plastic Company, Inc.	8 OCAHO	1010	(1998)

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)
United States v. Zip City Partner, L.P. d/b/a Zip City Brewing	7 OCAHO	965	(1997)
Guilty Pleas/Plea Agreement			
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)
Response			
United States v. Ziagul Zekreya	4 OCAHO	677	(1994)
United States v. Ziagul Zekreya	4 OCAHO	683	(1994)
Sanctions			
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)
Summary Decision			
United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Alberto Noriega-Perez	5 OCAHO	811	(1995)
United States v. Ana Maria Villegas-Valenzuela	5 OCAHO	784	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	4 OCAHO	718	(1994)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	742	(1995)
United States v. Esther Flores-Martinez	5 OCAHO	733	(1995)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc.	6 OCAHO	851	(1996)
United States v. Maria Sourovova	7 OCAHO	987	(1998)
United States v. Marisol Chavez-Ramirez	5 OCAHO	774	(1995)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4 OCAHO	615	(1994)
United States v. Ricardo Calderon, Inc.	5 OCAHO	805	(1995)
United States v. WSC Plumbing, Inc.	9 OCAHO	1062	(2000)

AFFIDAVITS

Raul A. Gonzalez v. Tri-Component Products, Inc. 9 OCAHO 1118 (2005)

Generally

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Christine Delarese Stubbs v. Desoto Hilton, Maryland Hospitality, Inc. 8 OCAHO 1005 (1998)

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

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

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

United States v. 1010 Morris Avenue Food Corporation 6 OCAHO 885 (1996)

United States v. Dolly Boman Irani 6 OCAHO 860 (1996)

United States v. Esther Flores-Martinez 5 OCAHO 733 (1995)

United States v. Leonor Yolanda Ortiz 6 OCAHO 863 (1996)

United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)

Personal Knowledge

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Standards

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Summary Decision

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

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

AFFIRMATIVE DEFENSE(S)

Grandfathered Status Must Be Pleaded In the Answer or It Is Waived

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

Impossibility Not Available As Defense When Destruction of I-9s Is Due To Employer's Own Actions

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Party Invoking Affirmative Defense Bears Burden to Come Forward With Facts to Establish It

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

AFFIRMATIVE MISCONDUCT

Generally

United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn 3 OCAHO 584 (1993)

AFTER-ACQUIRED INFORMATION

Discharge

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

Generally

Aurelia Forden v. Dr. Lothar Griessbach 5 OCAHO 735 (1995)

ALIENS

Deportation

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

Employment Eligibility

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1075 (2001)

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

Form I-9

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

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

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

Generally

Luigia Wiesner v. CIT Tours, Inc. 5 OCAHO 773 (1995)

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

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

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)

Illegal Alien(s)

Juan Antonio Martinez v. Ray's Bar-B-Que 9 OCAHO 1120 (2005)

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

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

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

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)

Pattern or Practice

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Permanent Resident

Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 619 (1994)

Protected

Arnulfo Medina v. Bend-Pack, Inc. 5 OCAHO 791 (1995)

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

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

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

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 6 OCAHO 880 (1996)

Refugees

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

Temporary Protected Status (TPS)

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1075 (2001)

Unauthorized

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

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

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

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

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

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

Work Authorization

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

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

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

AMICUS CURIAE

Brief(s)

United States v. American McNair, Inc. 1 OCAHO 261 (1990)

ANSWER

A Showing of Good Cause is a Condition Precedent to Permitting a Late Answer

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC	11	OCAHO	1265	(2015)

Admission(s)

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	742	(1995)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1	OCAHO	195	(1990)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	96	(1989)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	142	(1990)
United States v. Maria Esther Lemus d/b/a Rancho Lemus	3	OCAHO	421	(1992)
United States v. Sea Pine Inn, Inc. t/a Sea Pine Inn	1	OCAHO	873	(1989)
United States v. Student Exchange International, Inc.	1	OCAHO	117	(1989)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Walia's, Inc. d/b/a Walia's Restaurant	1	OCAHO	122	(1990)
United States v. William and Maria Sievert	1	OCAHO	294	(1991)

Affirmative Defense(s)

United States v. Anthony Borrelli and Sons, Inc.	8	OCAHO	1027	(1999)
United States v. Fairfield Jersey, Inc.	9	OCAHO	1072	(2001)
United States v. Felipe De Leon-Valenzuela	6	OCAHO	866	(1996)
United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)
United States v. Gregorio Alabada Makilan	4	OCAHO	610	(1994)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Martina Limon-Perez	5	OCAHO	796	(1995)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1040	(2000)

Untimely Filing(s)

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Amended

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)

Clarification

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

Denial

United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors 1 OCAHO 119 (1989)

United States v. Jennifer Dittman d/b/a Ready Room Restaurant 1 OCAHO 195 (1990)

United States v. Minaco Fashions, Inc. 3 OCAHO 534 (1993)

United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management 3 OCAHO 541 (1993)

United States v. Tiki Pools, Inc. d/b/a California Pools and Spa 1 OCAHO 76 (1989)

Dismissal

Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 628 (1994)

United States v. Cordin Company 10 OCAHO 1162 (2012)

Excusable Neglect

D'Amico v. Erie Community College 7 OCAHO 927 (1997)

Failure To File Answer May Be Deemed a Waiver of Right to Appear and Contest Allegations

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Generally

Adolfo Cruz Deguzman v. First America Bank Corporation 3 OCAHO 585 (1993)

Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 496 (1993)

Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	549	(1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	539	(1993)
Jorge Pugliese v. Auto-Grafica Corporation	5	OCAHO	820	(1995)
Mr. Doron Tal v. M. L. Energia, Inc.	3	OCAHO	519	(1993)
Terrence McCaffrey v. LSI Logic Corporation	6	OCAHO	883	(1996)
Tyrone Robinson v. New York State Family Court	5	OCAHO	814	(1995)
United States v. ABC Roofing & Waterproofing, Inc.	2	OCAHO	358	(1991)
United States v. Abel Galvez-Malgarejo	4	OCAHO	684	(1994)
United States v. Alberta Sosa, Inc.	4	OCAHO	720	(1994)
United States v. Alberto Noriega-Perez	5	OCAHO	798	(1995)
United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. Ambrocio Morales-Guzman	5	OCAHO	787	(1995)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio	4	OCAHO	719	(1994)
United States v. Bubble Fashions Company, Inc. d/b/a Hi-Tide Fashions	2	OCAHO	355	(1991)
United States v. Carlos Antonio Aquino	5	OCAHO	818	(1995)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5	OCAHO	789	(1995)
United States v. David Jenkins	4	OCAHO	649	(1994)
United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor	1	OCAHO	81	(1989)
United States v. Elena Finishing, Inc.	1	OCAHO	132	(1990)
United States v. Esther Flores-Martinez	5	OCAHO	733	(1995)
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. Feliciano Aguas-Avalos	4	OCAHO	642	(1994)
United States v. First Wok Restaurant	1	OCAHO	52	(1989)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. I.K.K. Associates, Inc. d/b/a Ocean Avenue Restaurant and Japan Express Restaurants	1	OCAHO	131	(1990)
United States v. John Morales d/b/a Riverside Insulation	1	OCAHO	197	(1990)
United States v. L&M Tire Company, Inc.	1	OCAHO	134	(1990)
United States v. Minaco Fashions, Inc.	3	OCAHO	534	(1993)

United States v. Northern Michigan Fruit Company	4 OCAHO	667	(1994)
United States v. Orlando Diaz-Rosas	4 OCAHO	702	(1994)
United States v. R&M Fashion, Inc.	6 OCAHO	826	(1995)
United States v. Richard Garza, Individually and d/b/a El Patio Restaurant and Lounge	1 OCAHO	211	(1990)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1 OCAHO	163	(1990)
United States v. Rodeo Night Club	5 OCAHO	812	(1995)
United States v. Simon Osagie Iyawe	5 OCAHO	744	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	563	(1993)
United States v. The Grower's Company, Inc. d/b/a Harvest Management, Inc.	2 OCAHO	346	(1991)
United States v. Zeferino Castillo, Individually	3 OCAHO	505	(1993)

Immunity

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor	4 OCAHO	644	(1994)

Inadequate

United States v. Alberta Sosa, Inc.	4 OCAHO	720	(1994)
United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant	5 OCAHO	723	(1995)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5 OCAHO	789	(1995)
United States v. El Mexicano Taco Shop	1 OCAHO	59	(1989)
United States v. Estela Rodriguez, Individually and d/b/a Cabaret Lounge	1 OCAHO	20	(1988)
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. Feliciano Aguas-Avalos	4 OCAHO	642	(1994)
United States v. Hardeep Singh	3 OCAHO	520	(1993)
United States v. Kumar	6 OCAHO	833	(1996)
United States v. Lawrence H. Harrold d/b/a Diamond Pallet Company	1 OCAHO	114	(1989)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1 OCAHO	45	(1989)
United States v. M.B. Builders Corporation	1 OCAHO	145	(1990)

United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Michael's Greek Village, Limited and Michael Lotsis, Jointly and Severally	1	OCAHO	86	(1989)
United States v. Mourad Abu Remileh	4	OCAHO	706	(1994)
United States v. Mr. Pablo Saucedo	1	OCAHO	41	(1989)
United States v. Nogales Body Shop & Trailer Repair	1	OCAHO	30	(1988)
United States v. Patricio Torres, Individually and d/b/a Superior Roof Services	1	OCAHO	75	(1989)
United States v. Peter P. Kelley	1	OCAHO	39	(1989)
United States v. Rudy Rodriguez d/b/a Rock Pest Control	1	OCAHO	158	(1990)
United States v. Silvio Vasquez-Guerrero d/b/a The Vasquez Company	1	OCAHO	37	(1988)
United States v. South Bay Auto Detail	1	OCAHO	68	(1989)
United States v. The Pep Boys, Manny, Moe and Jack of California	3	OCAHO	464	(1992)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	2	OCAHO	390	(1991)
United States v. Yakoff Vshivkoff d/b/a Northwest Reforestation Connections Company	1	OCAHO	88	(1989)
United States v. Zeferino Castillo, Individually	3	OCAHO	505	(1993)

Motion to Strike

United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. U.S. Style, Inc.	5	OCAHO	793	(1995)

No Response

D'Amico v. Erie Community College	7	OCAHO	927	(1997)
Galdino Casillas Garcia v. McCarron Electric Company	5	OCAHO	747	(1995)
Miguel A. Gallegos v. Magna-View, Inc.	4	OCAHO	628	(1994)
Tyrone Robinson v. New York State Family Court	5	OCAHO	814	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5	OCAHO	742	(1995)
United States v. Burns and Intra-Continental Enterprises	5	OCAHO	759	(1995)
United States v. Columbia Sportswear Manufacturers, Inc.	5	OCAHO	808	(1995)

United States v. Continental Forestry Service 6 OCAHO 836 (1996)
United States v. Cordin Company 10 OCAHO 1162 (2012)
United States v. Giamblis Enterprises 5 OCAHO 807 (1995)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 681 (1994)
United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)
United States v. McDonnell Douglas Corporation 4 OCAHO 616 (1994)
United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)
United States v. Rodeo Night Club 5 OCAHO 812 (1995)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)
United States v. U.S. Style, Inc. 6 OCAHO 827 (1995)

Request for a Hearing

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. Esther Flores-Martinez 4 OCAHO 698 (1994)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant 3 OCAHO 479 (1992)
United States v. Manuel Medina, Jr., Individually d/b/a The Montana Hideaway 3 OCAHO 485 (1993)
United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)
United States v. Minaco Fashions, Inc. 3 OCAHO 552 (1993)

Supplemental Brief

United States v. Williams Produce, Inc. 4 OCAHO 671 (1994)

Timeliness

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Monica Zapata-Cosio 4 OCAHO 685 (1994)
United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)

Untimely Filing

United States v. A & A Maintenance Enterprise, Inc.	6 OCAHO	852	(1996)
United States v. A & B Carpet Steam Cleaning & General Services, Corporation	1 OCAHO	244	(1990)
United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Casa Orozco, Inc.	1 OCAHO	92	(1989)
United States v. Charles K. Bickford, Individually and d/b/a The Doll House Lounge	1 OCAHO	69	(1989)
United States v. Continental Sports Corporation	4 OCAHO	640	(1994)
United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor	1 OCAHO	81	(1989)
United States v. Dynasty 21 Car Wash, Inc.	1 OCAHO	282	(1990)
United States v. Edith Fine	1 OCAHO	97	(1989)
United States v. Edith Fine	1 OCAHO	116	(1989)
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. Florencio Govea	1 OCAHO	40	(1989)
United States v. Green Plaza, Inc.	4 OCAHO	618	(1994)
United States v. Gus and Candy Kirk d/b/a Kirk Enterprises	1 OCAHO	72	(1989)
United States v. Lawrence H. Harrold d/b/a Diamond Pallet Company	1 OCAHO	114	(1989)
United States v. Martinez Cleaning Company, Inc. d/b/a Martinez Cleaners	1 OCAHO	121	(1990)
United States v. Midtown Fashion, Inc.	4 OCAHO	665	(1994)
United States v. Redwood Office Products, Inc.	1 OCAHO	193	(1990)
United States v. Shine Auto Service	1 OCAHO	70	(1989)
United States v. Yakoff Vshivkoff d/b/a Northwest Reforestation Connections Company	1 OCAHO	88	(1989)

ANTI-INJUNCTION ACT

Subject Matter Jurisdiction

Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Richard F. Lareau v. US Airways, Inc.	7 OCAHO	932	(1997)

Tax Protester

Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)

ARBITRATION

Enforcement

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Federal Arbitration Act

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Generally

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Motion to Compel

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Unconscionability

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Waiver

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

ATTORNEY

Appearance

James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)

Johnson v. Florida Power Corporation 7 OCAHO 981 (1997)

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)

United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)

United States v. Mourad Abu Remileh 4 OCAHO 680 (1994)

United States v. Ziagul Zekreya 4 OCAHO 683 (1994)
Attorneys Expected to Make Reasonable Effort to Ascertain and Follow Applicable Rules

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)
Attorney's Ignorance of Readily Ascertainable Law Is Not Good Cause for Failing to File Answer

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
Attorney's Ignorance of the Law Generally Does Not Constitute Good Cause or Excusable Neglect

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
Clients May Be Held Accountable for the Acts and Omissions of Their Attorneys

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
Conflict of Interest

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Duty To Tribunal

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1089 (2003)
Exclusion of Opposing Counsel

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Filings By Attorneys Expected to Conform to Traditional Standards of Practice and Professionalism

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Generally

Costigan v. NYNEX 6 OCAHO 918 (1997)

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1089 (2003)

United States v. Esther Flores-Martinez 4 OCAHO 713 (1994)

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

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

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

Right to Counsel

At Government Expense

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

Substitution of Attorney

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

United States v. Blueberry Hill Family Restaurant, Inc. 4 OCAHO 704 (1994)

Withdrawal

United States v. Butterfly Legwear, Inc. d/b/a Classic Hosiery, Inc. 6 OCAHO 900 (1996)

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

United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Esther Flores-Martinez 4 OCAHO 682 (1994)

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)

United States v. Leonor Yolanda Ortiz 6 OCAHO 905 (1996)

United States v. Leonor Yolanda Ortiz 6 OCAHO 904 (1996)

United States v. Maria Celia Aispuro-Nunez 5 OCAHO 745 (1995)

United States v. Mark's Electrical Contracting Corporation	4 OCAHO	641		(1994)
United States v. Midtown Fashion, Inc.	4 OCAHO	657		(1994)
United States v. Midtown Fashion, Inc.	4 OCAHO	665		(1994)
United States v. Mireya Pedraza-Guzman	5 OCAHO	792		(1995)
United States v. Mourad Abu Remileh	4 OCAHO	680		(1994)
United States v. Nancy Mubarki	5 OCAHO	816		(1995)
United States v. Pan American Supply Company, Inc.	5 OCAHO	804		(1995)
United States v. Renato Parondo Jaque	6 OCAHO	823		(1995)
United States v. Ziagul Zekreya	4 OCAHO	683		(1994)

ATTORNEY FEES

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

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

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

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

Attorney Fees Can Be Awarded Only to a Prevailing Party

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

Attorney Fees Unavailable Where Government's Position Was Substantially Justified

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

Authority of Chief Administrative Hearing Officer to Review

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

Award of Fees to a Respondent Not Appropriate Simply Because Complainant Did Not Prevail

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

Dismissal

Pro Se

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

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

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

Fees Calculated By Lodestar Method

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

Generally

Anna J. Flores v. Daniel Dry Cleaners 4 OCAHO 715 (1994)

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

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

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)

Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

Gaylon D. Shepherd v. Sturm, Ruger & Company, Inc. 7 OCAHO 990 (1998)

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

Jarvis v. AK Steel 7 OCAHO 952 (1997)

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

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

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

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

Mid-Atlantic Regional Organizing Coalition v. Heritage Landscaping Services, LLC 10 OCAHO 1134 (2010)

United States v. Applied Computer Technology 2 OCAHO 306 (1991)

United States v. Auburn University 4 OCAHO 646 (1994)

United States v. Auburn University 4 OCAHO 662 (1994)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 1 OCAHO 216 (1990)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 1 OCAHO 270 (1990)
United States v. Great Earth Companies, Inc. 9 OCAHO 1070 (2001)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors 1 OCAHO 119 (1989)
United States v. Mourad Abu Remileh 6 OCAHO 864 (1996)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 1 OCAHO 274 (1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 308 (1991)
Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)
Werline v. Public Service Electric & Gas Company 7 OCAHO 955 (1997)

Nonprevailing Party's Pro Se Status and Ability to Recognize Merit of Claim May Be Considered

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

Not Permitted as Sanction for Failure to Comply With Discovery Order

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

OCAHO Practice Follows Dual Standard for Awarding Attorney's Fees in Cases Under Title VII

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

Prevailing Complainant Not Awarded Costs and Other Expenses

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

Prevailing Party

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)
Charo's Corporation d/b/a Charo's Restaurant v. United States 5 OCAHO 761 (1995)
Earl Russel Horne v. Town of Hampstead 7 OCAHO 959 (1997)

Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 7 OCAHO 969 (1997)
Michael K. Lee v. Airtouch Communications 7 OCAHO 926 (1997)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 5 OCAHO 778 (1995)
United States v. Auburn University 4 OCAHO 688 (1994)
Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)
Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 8 OCAHO 1016 (1998)
Prevailing Party Determination Requires Merits Decision or Consent Decree

Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)
Prevailing Party in Section 1324b Cases Generally Not Entitled to Costs and Incidental Expenses

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)
Prevailing Party is Presumed to be Entitled to an Award of Attorney's Fees

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)
Prevailing Plaintiff Is Presumed To Be Entitled To An Award of Attorney's Fees

John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)
Prevailing Respondent Awarded Fees Only If Complaint is Without Reasonable Foundation in Law or Fact

Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership 11 OCAHO 1254 a (2015)
John A. Breda v. Kindred Braintree Hospital, LLC 11 OCAHO 1225 (2014)
Pro Se

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)
Jose Jasso v. Danbury Hilton & Towers 3 OCAHO 566 (1993)
Maria Fuentes v. Grace Culinary Systems 6 OCAHO 873 (1996)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)
Pro Se Litigant Is Not Entitled to Claim Attorney's Fees for Representing Himself

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

Reasonableness Standard

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

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

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

Sovereign

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

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

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

Substantial Justification

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

Supreme Court Holding

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

Tax Protester

Gaylon D. Shepherd v. Sturm, Ruger & Company, Inc. 7 OCAHO 990 (1998)

Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 966 (1997)

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

Richard F. Lareau v. US Airways, Inc. 7 OCAHO 963 (1997)

Russell M. Hamilton v. The Recorder 7 OCAHO 978 (1997)

ATTORNEY/CLIENT

Attorney Fees

Boris Gerardo Salazar-Castro v. Cincinnati Public Schools 3 OCAHO 406 (1992)

Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Errol Williams v. Lucas & Associates	1	OCAHO	254	(1990)
Esther Din Brooks v. Watts Window World	3	OCAHO	570	(1993)
Fordjour v. General Dynamics	1	OCAHO	286	(1991)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	255	(1990)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	189	(1990)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	266	(1990)
Joan A. Lardy v. United Airlines, Inc.	3	OCAHO	493	(1993)
John C. Grodzki v. OOCL, Inc.	1	OCAHO	295	(1991)
Jose Jasso v. Danbury Hilton & Towers	3	OCAHO	566	(1993)
Juan Francisco Martinez v. Lott Constructors, Inc.	2	OCAHO	323	(1991)
Juan J. Salcido v. New-Way Pork Company	3	OCAHO	425	(1992)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3	OCAHO	438	(1992)
Michael Williamson v. Autorama, Inc.	1	OCAHO	174	(1990)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1	OCAHO	25	(1988)
Omar Egal v. Sears Roebuck & Company	3	OCAHO	442	(1992)
Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation	1	OCAHO	107	(1989)
Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation	1	OCAHO	210	(1990)
Sargon Bethishou v. Ohmite Manufacturing Company	1	OCAHO	77	(1989)
United States v. Educational Employment Enterprise	1	OCAHO	283	(1991)
United States v. Educational Employment Enterprise	1	OCAHO	293	(1991)
United States v. Weld County School District	2	OCAHO	378	(1991)
Wisniewski v. Douglas County School System	1	OCAHO	29	(1988)
Yves Nguyen v. ADT Engineering, Inc.	3	OCAHO	489	(1993)

Attorney Work Product

Iron Workers Local 455 v. Lake Construction & Development Corporation	6	OCAHO	911	(1997)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)

Business Records Used in Normal Course of Human Resource Duties Not Privileged

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Generally

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)

Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)

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

Lay Representation

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)

Privilege Claim

In re Investigation of Wal-Mart Distribution Center, Subpoena 5 OCAHO 788 (1995)

Iron Workers Local 455 v. Lake Construction & Development Corporation 6 OCAHO 911 (1997)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 643 (1994)

Burden of Demonstrating

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

Extent of Privilege

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

Generally

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

Waiver

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

Representation

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

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

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

John R. Alvarez v. Interstate Highway Construction 2 OCAHO 385 (1991)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend 3 OCAHO 543 (1993)

Generally

Lee v. AT&T 7 OCAHO 924 (1997)

Lay or Non-Attorney Representation

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)

Lay Representation

Lee v. AT&T 7 OCAHO 924 (1997)

Substitution of Attorney

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

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

Withdrawal

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

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

AUTHORITY

Apparent or Implied

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

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

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

Generally

In re Investigation of Valley Crest Tree Company, Subpoena 3 OCAHO 579 (1993)

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

Limit Scope of Discovery

United States v. Swift & Co. 9 OCAHO 1073 (2001)

Regulatory

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

Sanctions

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Statutory

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

BACK PAY

Juan Antonio Martinez v. Ray's Bar-B-Que 9 OCAHO 1120 (2005)

Document Abuse

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

Generally

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

United States v. A.J. Bart, Inc. 3 OCAHO 538 (1993)

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation 3 OCAHO 486 (1993)

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

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

Mixed Motive Discrimination

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

BANKRUPTCY

Automatic Stay Provision of Bankruptcy Act Does Not Apply to Section 1324a Enforcement Proceedings

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Defense(s)

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

Generally

United States v. Agripac, Inc. 8 OCAHO 1026 (1999)

United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)

United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center 1 OCAHO 135 (1990)

United States v. DAR Distributing, Inc. d/b/a DAR Cabinets 1 OCAHO 60 (1989)

United States v. El Charro Avitia, Inc. 7 OCAHO 971 (1997)

United States v. James Q. Carlson d/b/a Jimmy On The Spot 1 OCAHO 264 (1990)

United States v. James Q. Carlson d/b/a Jimmy On The Spot 1 OCAHO 298 (1991)

United States v. Sparky's Waterfront Saloon, Inc. 1 OCAHO 126 (1990)

United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 51 (1989)

United States v. United Pottery Manufacturing & Accessories, Inc. 1 OCAHO 57 (1989)

United States v. William L. Garcia d/b/a La Buena, Inc. 7 OCAHO 950 (1997)

BURDEN OF PROOF

All Facts and Reasonable Inferences Viewed In Light Most Favorable to Nonmoving Party

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Employee

Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)
Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)
Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Generally

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)
Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 526 (1993)
Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)
Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)
Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)
Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)
Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)
Jarvis v. AK Steel 7 OCAHO 930 (1997)
Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)
Jorge Mario Ipina v. Michigan Jobs Commission 8 OCAHO 1036 (1999)
Juan Manuel Alamprese v. MNSH, Inc. 9 OCAHO 1094 (2003)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)
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)
Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 562 (1993)
Maria Fuentes v. Grace Culinary Systems 6 OCAHO 873 (1996)
Michael K. Lee v. Airtouch Communications 6 OCAHO 901 (1996)
Mr. Doron Tal v. M. L. Energia, Inc. 3 OCAHO 519 (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)
Stephen Salerno v. ICL Retail Systems, Inc. 3 OCAHO 481 (1993)

United States v. Alvand, Inc. d/b/a 410 Diner	2 OCAHO	352	(1991)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6 OCAHO	877	(1996)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
United States v. Exim, Inc. and Jaime Monardes, Individually	3 OCAHO	591	(1993)
United States v. Leonor Yolanda Ortiz	6 OCAHO	889	(1996)
United States v. McDonnell Douglas Corporation	4 OCAHO	676	(1994)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3 OCAHO	583	(1993)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)
Yves Nguyen v. ADT Engineering, Inc.	3 OCAHO	489	(1993)
Retaliation			
Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1110	(2004)
Stipulations			
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
Government			
United States v. Stanford Sign and Awning, Inc.	10 OCAHO	1145	(2012)
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. Safe-Air of Illinois, Inc.	12 OCAHO	1270	(2016)
Government Bears the Burden of Proof for Liability and Penalty			
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites	11 OCAHO	1218	(2014)
United States v. Natural Environmental, Inc.	10 OCAHO	1197	(2013)
United States v. Super 8 Motel & Villella Italian Restaurant	10 OCAHO	1191	(2013)
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. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Durable, Inc. 11 OCAHO 1231 (2014)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Government Bears the Burden of Proving Liability and Penalty By a Preponderance of the Evidence

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
Government Bears the Burden of Proving Liability by a Preponderance of the Evidence

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
Government Met Burden of Proving Unauthorized Status of Some Employees

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (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. 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. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)

In Considering Non-Statutory Factor, Facts Must Supprt Favorable Exercise of Discretion

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

Mitigation

United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)

Movant Bears Initial Burden to Demonstrate Absence of Genuine Issue of Material Fact

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Non-Statutory Factor Considered As Matter of Equity

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

Party Moving for Summary Decision Must Show There Is No Genuine Issue of Material Fact

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

Retaliation

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

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 5 OCAHO 778 (1995)

Withdrawal

United States v. Auburn University 4 OCAHO 662 (1994)

CEASE AND DESIST

Generally

United States v. Chuy's Paint & Body Shop 1 OCAHO 19 (1988)

United States v. National P.R. Engineer Corporation 1 OCAHO 146 (1990)

United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)

Liability Finding Under Section 1324b Requires Issuance of Cease and Desist Order

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

Paperwork Requirement(s)/Violation(s)

United States v. Chuy's Paint & Body Shop 1 OCAHO 19 (1988)

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

United States v. El Centenario, Inc. d/b/a Las Margaritas III 1 OCAHO 28 (1988)

United States v. Elsinore Manufacturing, Inc. 1 OCAHO 5 (1988)

United States v. La Fiesta, Inc. d/b/a Las Margaritas 1 OCAHO 28 (1988)

United States v. National P.R. Engineer Corporation 1 OCAHO 146 (1990)

United States v. Patricio Torres, Individually and d/b/a Superior Roof Services 1 OCAHO 83 (1989)

United States v. Student Exchange International, Inc. 1 OCAHO 117 (1989)

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

United States v. USA Café 1 OCAHO 429 (1989)

CERTIFICATION

Form I-9

United States v. El Paso Hospitality, Inc. 5 OCAHO 737 (1995)
United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)
Generally

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

United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)
United States v. Pedro Dominguez 6 OCAHO 876 (1996)
United States v. Power Operating Company 3 OCAHO 561 (1993)
CHIEF ADMINISTRATIVE HEARING OFFICER
Affirmation(s)

United States v. Kaday Musu Thoronka 5 OCAHO 772 (1995)
United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)
Authority and Jurisdiction to Review

Mester Manufacturing Company v. United States 1 OCAHO 44 (1989)
United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 358 (1991)
United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 381 (1991)
United States v. Dodge Printing Centers, Inc. 1 OCAHO 181 (1990)
United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)
United States v. Karnival Fashion, Inc. 5 OCAHO 783 (1995)
United States v. Koamerican Trading Corporation 1 OCAHO 63 (1989)
United States v. Maka's Akamai Service 1 OCAHO 36 (1988)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers 1 OCAHO 184 (1990)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)

United States v. New El Rey Sausage Company	1 OCAHO	78	(1989)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service	5 OCAHO	760	(1995)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1 OCAHO	182	(1990)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1 OCAHO	112	(1989)
United States v. Split Rail Fence Company, Inc.	10 OCAHO	1181	(2013)
Certification(s)			
United States v. Pedro Dominguez	6 OCAHO	876	(1996)
Generally			
United States v. Danny Mathis d/b/a Mathis Maspory	4 OCAHO	717	(1995)
United States v. Karnival Fashion, Inc.	5 OCAHO	783	(1995)
United States v. Mushtaq Admed Chaudhry	3 OCAHO	576	(1993)
Modification(s)			
United States v. Armando Alvarez-Suarez	4 OCAHO	699	(1994)
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			
Citation as Notice of Statutory Violation			
United States v. Mario Saikhon, Inc.	1 OCAHO	279	(1990)
United States v. Mester Manufacturing Company	1 OCAHO	18	(1988)
Generally			

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 In Assessing the Amount of the Penalty

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
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)
Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Aggravation

United States v. Forsch Polymer Corporation 10 OCAHO 1156 (2012)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
United States v. Nebeker, Inc. 10 OCAHO 1165 (2013)
United States v. New China Buffet Restaurant 10 OCAHO 1132 (2010)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 958 (1997)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)
United States v. Taste of China 10 OCAHO 1164 (2013)
Government Must Prove Existence of Aggravation Factor by Preponderance of Evidence
United States v. Natural Environmental, Inc. 10 OCAHO 1197 (2013)
Lack of good faith
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)
Aggravation - Lack of Good Faith

United States v. Modern Disposal Incorporated 10 OCAHO 1175 (2013)
Aggravation Based on Employer's Size of Business

United States v. Modern Disposal Incorporated 10 OCAHO 1175 (2013)
Franchisee/Franchisor

United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)

United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)

ALJ Can Consider Public Policy of Leniency to Small Entities

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

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

ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

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

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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 1231 (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 1256 (2015)

ALJ Not Bound by ICE's Method of Calculating Penalties

United States v. Durable, Inc. 11 OCAHO 1231 (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)

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

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

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

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

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

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

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

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

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

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

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

Civil Penalty Assessment for 1324b Cases Looks to the Totality of the Circumstances

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

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

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

Compliance

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

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

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

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

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

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

Definition

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

Deliberate Violation of Multiple Laws Governing Employer Conduct Merits Maximum Penalty

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

Difference in Seriousness of Violations May Be Reflected in the Final Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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)

Document Abuse

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

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

Document Fraud

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

Double Jeopardy

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

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

Eighth Amendment

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)
Employer's Previous Receipt of a Warning Notice Does Not Constitute History of Previous Violations

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Enhancement Factor Based on Whether Specific Individual was Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. 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)
United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)
United States v. Metropolitan Warehouse, Inc. 10 OCAHO 1207 (2013)
United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Excessive Fines Clause of Eighth Amendment Applies to Fines That Are Punitive

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

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. La Hacienda Mexican Café 10 OCAHO 1167 (2013)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. New Sun Transit, Inc. d/b/a La Tolteca Mexican Restaurant 10 OCAHO 1194 (2013)
United States v. Pedro Dominguez 6 OCAHO 878 (1996)
United States v. Pharaoh's Gentleman's Club, Inc. 10 OCAHO 1189 (2013)
United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1195 (2013)

Excessiveness Determined Relative to Characteristics of Offense, Not Offender

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

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 Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

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

United States v. Durable, Inc. 11 OCAHO 1231 (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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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 Prepare or 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 1232 (2014)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Generally

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	873	(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. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12	OCAHO	1276	(2016)
United States v. Hartmann Studios, Inc.	11	OCAHO	1255	(2015)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC	11	OCAHO	1265	(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. Cawoods Produce, Inc.	12 OCAHO	1280	(2016)
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. Buffalo Transportation, Inc.	11 OCAHO	1263	(2015)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Employer Solutions Staffing Group II, LLC	11 OCAHO	1242	(2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276	(2016)
United States v. Golden Employment Group, Inc.	12 OCAHO	1277	(2016)
United States v. Golf International d/b/a Desert Canyon Golf	11 OCAHO	1222	(2014)
United States v. Hair U Wear, LLC	11 OCAHO	1268	(2016)
United States v. Liberty Packaging, Inc.	11 OCAHO	1245	(2015)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253	(2015)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11 OCAHO	1243	(2015)
United States v. Wave Green, Inc. d/b/a Golden Farm Market	11 OCAHO	1267	(2016)

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)

Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

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. Cawoods Produce, Inc.	12 OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Romans Racing Stables, Inc.	11 OCAHO	1232	(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	246	(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	246	(1988)
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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Liberty Packaging, Inc.	11 OCAHO	1245	(2015)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
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)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)

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 ALJs May Review Penalty Assessments De Novo

United States v. Buffalo Transportation, Inc.	11 OCAHO	1263	(2015)
United States v. Cawoods Produce, Inc.	12 OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Hair U Wear, LLC	11 OCAHO	1268	(2016)
United States v. Keegan Varitey, LLC	11 OCAHO	1238	(2014)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market	11 OCAHO	1267	(2016)

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)

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. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
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. Buffalo Transportation, Inc. 11 OCAHO 1263 (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. 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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
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)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
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)
Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

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. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
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. Safe-Air of Illinois, Inc.	12 OCAHO	1270	(2016)
United States v. Senox Corporation	11 OCAHO	1219	(2014)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11 OCAHO	1243	(2015)

Seriousness of Violation Refers to Degree to Which Employer Has Deviated From the Proper Form

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276	(2016)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)

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)

Social Security Mismatch Does Not Establish That a Particular Individual is Unauthorized for Employment

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Statute Does Not Prohibit Consideration of Unenumerated Factors

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)

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

United States v. Durable, Inc. 11 OCAHO 1231 (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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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

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

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

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

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

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

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

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

Statute Does Not Rule Out Consideration of Unenumerated Factors

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

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

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

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

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

Statute Does Not Specify Factors ALJ Must Consider in Setting Penalty for Knowing Hire Violation

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Statutory

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

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

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

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

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

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

Summary Decision

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

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

United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)

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

Supported by Record

United States v. Silverado Stages, Inc. 10 OCAHO 1182 (2013)

Temporal Gap Between Current and Previous Violations is Irrelevant to Fine Enhancement

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

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)

There Must Be Rational Relationship Between Magnitude of Offense and Penalty

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

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)

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

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

CLASS ACTION

Generally

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)

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

Joan A. Lardy v. United Airlines, Inc. 6 OCAHO 843 (1996)

Jose E. Birisno Briceno-Briceno v. Farmco Farms 4 OCAHO 629 (1994)

Martha Navarro Mata v. Bear Creek Production Company 1 OCAHO 220 (1990)
Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)
United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)
United States v. Zabala Vineyards 6 OCAHO 830 (1995)
Notification

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Martha Navarro Mata v. Bear Creek Production Company 1 OCAHO 220 (1990)
United States v. Agripac, Inc. 8 OCAHO 1012 (1998)
COLLATERAL ESTOPPEL

Seidou Diarrassouba v. Medallion Financial Corporation 9 OCAHO 1076 (2001)
Collateral Estoppel is Inapplicable to Issues Not Adjudicated on Merits

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)
Doesn't Apply If Issue is Different Than In Earlier Case

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)
Effect of Prior Guilty Plea

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Generally

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)
United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

COMPLAINT

Amended

Gurpreet Sodhi v. Maricopa County Special Health Care District	9 OCAHO	1127	(2007)
Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1097	(2003)
Hollingsworth v. Applied Research Associates	7 OCAHO	942	(1997)
United States v. Agripac, Inc.	8 OCAHO	1028	(1999)
United States v. Nicolas Tinoco-Medina	5 OCAHO	806	(1995)

Deemed Filed on Date Actually Received by OCAHO

Salim J. Hajiani v. Ali Properties, LLC, Airport Shell	10 OCAHO	1188	(2013)

Generally

Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7 OCAHO	939	(1997)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering	4 OCAHO	648	(1994)
United States v. Columbia Sportswear Manufacturers, Inc.	5 OCAHO	808	(1995)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	861	(1996)
United States v. Workrite Uniform Company, Inc.	5 OCAHO	736	(1995)

In Assessing Validity of Complaint, Only Reasonable Inferences Drawn in Complainant's Favor

Terri Ann Jablonski v. Kelly Legal Services, et al.	12 OCAHO	1282	(2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI	12 OCAHO	1272	(2016)
Terri Ann Jablonski v. Yorkson Legal, et al.	12 OCAHO	1272	(2016)

In Assessing Validity, Legal Conclusions Couched as Factual Allegations Need Not Be Accepted

Terri Ann Jablonski v. Kelly Legal Services, et al.	12 OCAHO	1282	(2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI	12 OCAHO	1272	(2016)
Terri Ann Jablonski v. Yorkson Legal, et al.	12 OCAHO	1272	(2016)

Jurisdiction

Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 619 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Leave To Amend Not Freely Granted Where Proposed Amendment Would Not Survive Motion to Dismiss

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1272 (2016)

Party/Parties

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)
United States v. Auburn University 4 OCAHO 646 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Section 1324b Complaint Must Contain Factual Allegations That Give Rise to Inference of Discrimination

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1272 (2016)

Untimely Filing

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

United States v. Agripac, Inc.	8 OCAHO	1028	(1999)
United States v. Naim Ojeil & Samoeil Ishk	7 OCAHO	984	(1998)

CONSTITUTIONAL LAW

Affirmative Defense(s)

United States v. David Jenkins	4 OCAHO	649	(1994)

Attorney Fees

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

Attorney-Client Privilege

Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	643	(1994)

Civil Penalties

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

Discovery

Terrence McCaffrey v. LSI Logic Corporation	6 OCAHO	883	(1996)

Disparate Treatment

Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	638	(1994)
Mr. Doron Tal v. M. L. Energia, Inc.	4 OCAHO	705	(1994)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)

Double Jeopardy

United States v. Alberto Noriega-Perez	6 OCAHO	859	(1996)
United States v. Pedro Dominguez	6 OCAHO	876	(1996)

Due Process

Ahmad S. Elhajomar v. City and County of Honolulu	1 OCAHO	246	(1990)
Irma Leticia Sosa v. United States Postal Service	1 OCAHO	115	(1989)
Olimpia Tovar v. United States Postal Service	1 OCAHO	269	(1990)
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. 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. Italy Department Store, Inc.	6 OCAHO	847	(1996)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3 OCAHO	499	(1993)
United States v. Oscar Eduardo Villatoro-Guzman	3 OCAHO	540	(1993)
United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash	1 OCAHO	98	(1989)
United States v. YES Industries d/b/a Soft Touch Carwash	1 OCAHO	198	(1990)
Eighth Amendment			
United States v. Pedro Dominguez	6 OCAHO	878	(1996)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	4 OCAHO	637	(1994)
Eleventh Amendment			
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	1022	(1999)
Massala Prince Reffell v. Prairie View A&M University	9 OCAHO	1057	(2000)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection	7 OCAHO	925	(1997)
Paul C. Iwuchukwu v. City of Grand Prairie	6 OCAHO	869	(1996)
Paul C. Iwuchukwu v. City of Grand Prairie	6 OCAHO	915	(1997)
Exclusionary Rule			
United States v. David Jenkins	5 OCAHO	743	(1995)
Fifth Amendment			

United States v. David Jenkins	4 OCAHO	649	(1994)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6 OCAHO	897	(1996)
United States v. Pedro Dominguez	6 OCAHO	910	(1997)
United States v. Roberto C. Davila	6 OCAHO	903	(1996)
Fourth Amendment			
United States v. Israel Velasquez-Tabir	6 OCAHO	872	(1996)
United States v. Israel Velasquez-Tabir	6 OCAHO	909	(1997)
United States v. Julio Carpio-Lingan	6 OCAHO	871	(1996)
United States v. Julio Carpio-Lingan	6 OCAHO	909	(1997)
Search and Seizure			
United States v. C&K Metals, Inc. a/k/a Leach Cast & Steel, Inc.	6 OCAHO	845	(1996)
Generally			
James D. Westendorf v. Brown & Root, Inc.	3 OCAHO	477	(1992)
United States v. Alberto Noriega-Perez	6 OCAHO	859	(1996)
United States v. Ana Maria Villegas-Valenzuela	5 OCAHO	784	(1995)
United States v. Big Bear Market	1 OCAHO	48	(1989)
United States v. Interdynamics, Inc.	3 OCAHO	433	(1992)
United States v. Land Coast Insulation, Inc.	2 OCAHO	379	(1991)
United States v. Law Offices of Manulkin, Glaser & Bennett	1 OCAHO	100	(1989)
United States v. Mr. Z Enterprise	1 OCAHO	288	(1991)
United States v. Multimatic Products, Inc.	1 OCAHO	221	(1990)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3 OCAHO	463	(1992)
United States v. Noel Plastering & Stucco, Inc.	2 OCAHO	396	(1991)
United States v. Oscar Eduardo Villatoro-Guzman	3 OCAHO	540	(1993)
United States v. Rudy Rodriguez d/b/a Rock Pest Control	1 OCAHO	158	(1990)

United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash 1 OCAHO 98 (1989)
United States v. Southwest Marine Corporation, a California Corporation 3 OCAHO 429 (1992)
United States v. Spring & Soon Fashion, Inc. 7 OCAHO 982 (1997)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)
Jury Trial

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 623 (1994)
Miranda-type Warnings

United States v. Cristina Galeas 5 OCAHO 790 (1995)
United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)
Notification

United States v. Gus and Candy Kirk d/b/a Kirk Enterprises 1 OCAHO 72 (1989)
United States v. Italy Department Store, Inc. 6 OCAHO 847 (1996)
United States v. Koamerican Trading Corporation 1 OCAHO 63 (1989)
United States v. Land Coast Insulation, Inc. 2 OCAHO 379 (1991)
Penalties

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

Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 883 (1996)
Respondent Could Not Show It Was Similarly Situated to Other Business to Sustain Equal Protection

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

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc. 7 OCAHO 943 (1997)

At Government Expense

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

Search and Seizure

United States v. David Jenkins 4 OCAHO 649 (1994)

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

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

United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners 3 OCAHO 463 (1992)

Sixth Amendment

United States v. Cristina Galeas 5 OCAHO 790 (1995)

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

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

CONSTRUCTIVE KNOWLEDGE

Degree of Culpability for Constructive Knowledge Requires More Than Mere Negligence

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employer Chargeable With Such Knowledge As Reasonable Inquiry Would Have Revealed

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

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

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

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

Employer Not Entitled to Cultivate Deliberate Ignorance or Avoid Acquiring Knowledge

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Failure to Prepare I-9 Form Alone Insufficient to Find Constructive Knowledge

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

CONTINUING EMPLOYMENT

Interruptions and Absences

United States v. Anodizing Industries, Inc. 10 OCAHO 1184 (2013)

Reasonable Expectation

United States v. Anodizing Industries, Inc. 10 OCAHO 1184 (2013)

CONTINUING TO EMPLOY UNAUTHORIZED WORKERS

Proper Notice of Fraudulent Document Use Creates Rebuttable Presumption of Unauthorized Status

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

CONTINUING VIOLATION(S)

Continued Employment of Known Unauthorized Individuals is a Continuing Violation

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

Continuing Violation for Knowing Hire Exists For As Long as the Individual Remains Employed

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

Generally

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

CORPORATE VEIL

Generally

United States v. Continental Sports Corporation 5 OCAHO 780 (1995)

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

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

Liability

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

Piercing Corporate Veil Decision Must Consider Fraud, Injustice, and Evasion of Legal Obligation

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

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

Piercing Corporate Veil Is A Tool Used Only in Extreme Circumstances

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

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

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

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

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

COUNTERCLAIMS

Generally

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

United States v. La Fiesta, Inc. d/b/a Las Margaritas 1 OCAHO 246 (1988)

DAMAGES

Generally

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation 3 OCAHO 486 (1993)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)

DEFAULT

Attorney's Ignorance of Readily Ascertainable Law Is Not Good Cause for Failing to File Answer

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Attorney's Ignorance of the Law Generally Does Not Constitute Good Cause or Excusable Neglect

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Burden Is On The Defaulting Party to Show That Relief Should Be Granted

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Default for Failure to File an Answer Must Be Excused Before Party is Permitted to Answer

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Party That Fails to Timely Answer a Complaint is in Default

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

DEFAULT JUDGMENT(S)

Answer

United States v. A & A Maintenance Enterprise, Inc. 6 OCAHO 852 (1996)
United States v. Abel Galvez-Malgarejo 4 OCAHO 684 (1994)
United States v. Ambrocio Morales-Guzman 5 OCAHO 787 (1995)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)
United States v. Chuy's Paint & Body Shop 1 OCAHO 8 (1988)
United States v. Columbia Sportswear Manufacturers, Inc. 5 OCAHO 808 (1995)

United States v. Continental Forestry Service 6 OCAHO 836 (1996)
United States v. Continental Sports Corporation 4 OCAHO 640 (1994)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc. 5 OCAHO 789 (1995)
United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)
United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)
United States v. U.S. Style, Inc. 6 OCAHO 827 (1995)

Default Judgment May Be Set Aside If Default Based on Mistake, Inadvertence or Excusable Neglect

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Default Judgments Are Not Favored in this Forum

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Dismissal

LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)
Sanford J. Strauss v. Rite Aid Corporation 4 OCAHO 721 (1994)

Equitable Tolling

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Final Order of Dismissal Based on Abandonment Analogous to Entry of Default Judgment

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Generally

Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)
Coraizaca v. Yesterday's Restaurant 2 OCAHO 304 (1991)
D'Amico v. Erie Community College 7 OCAHO 927 (1997)
Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche 1 OCAHO 258 (1990)
Frank Farzin Nickman v. Mesa Air Group 9 OCAHO 1106 (2004)

Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	136	(1990)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	156	(1990)
Jairo Diaz v. Canteen Corporation	2	OCAHO	332	(1991)
Jorge Mario Ipina v. Michigan Department of Labor	2	OCAHO	322	(1991)
Ronald C. Wilson v. Harrisburg School District	6	OCAHO	919	(1997)
Stephen A. Lewis v. Ogden Services	2	OCAHO	375	(1991)
Thereza A. Freeman v. Mexico Studio Owners	1	OCAHO	291	(1991)
Troncoso v. Ferlin Service Industries	1	OCAHO	110	(1989)
Tyrone Robinson v. New York State Family Court	5	OCAHO	814	(1995)
United States v. Abel Galvez-Malgarejo	4	OCAHO	684	(1994)
United States v. Ambrocio Morales-Guzman	5	OCAHO	787	(1995)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3	OCAHO	454	(1992)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3	OCAHO	462	(1992)
United States v. Bubble Fashions Company, Inc. d/b/a Hi-Tide Fashions	2	OCAHO	355	(1991)
United States v. Carlos Antonio Aquino	5	OCAHO	818	(1995)
United States v. Carlos Cruz d/b/a La Rosa Bakery	3	OCAHO	453	(1992)
United States v. Casa Lupe	1	OCAHO	31	(1988)
United States v. Claude H. Linkous & Martin Riley d/b/a CM Health Services	3	OCAHO	436	(1992)
United States v. Coastal Ventures, Limited d/b/a Wendy's/Daly, Limited	1	OCAHO	21	(1988)
United States v. Coastal Ventures, Limited d/b/a Wendy's/Daly, Limited	1	OCAHO	23	(1988)
United States v. Continental Forestry Service	6	OCAHO	836	(1996)
United States v. DAR Distributing, Inc. d/b/a DAR Cabinets	1	OCAHO	60	(1989)
United States v. David Ankenbruck and Patricia Fulton d/b/a Broker's Furniture & Manufacturing, Inc.	5	OCAHO	789	(1995)
United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor	1	OCAHO	81	(1989)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. Dubois Farms, Inc.	1	OCAHO	225	(1990)
United States v. Dynasty 21 Car Wash, Inc.	1	OCAHO	282	(1990)
United States v. Edith Fine	1	OCAHO	116	(1989)

United States v. Educational Employment Enterprise	1	OCAHO	257	(1990)
United States v. Educational Employment Enterprise	1	OCAHO	283	(1991)
United States v. El Mexicano Taco Shop	1	OCAHO	59	(1989)
United States v. Elena Finishing, Inc.	1	OCAHO	132	(1990)
United States v. Estela Rodriguez, Individually and d/b/a Cabaret Lounge	1	OCAHO	20	(1988)
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. Florencio Govea	1	OCAHO	40	(1989)
United States v. Francois Kissel, Owner d/b/a Maximilien-In-the-Market	1	OCAHO	61	(1989)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	315	(1991)
United States v. Gus and Candy Kirk d/b/a Kirk Enterprises	1	OCAHO	72	(1989)
United States v. Hardeep Singh	3	OCAHO	520	(1993)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	681	(1994)
United States v. Hotel Valet, Inc. d/b/a New York Valet	6	OCAHO	849	(1996)
United States v. I.K.K. Associates, Inc. d/b/a Ocean Avenue Restaurant and Japan Express Restaurants	1	OCAHO	131	(1990)
United States v. Irma Hernandez	8	OCAHO	1043	(2000)
United States v. Jabil Circuit, Inc.	10	OCAHO	1146	(2012)
United States v. Jackson Associates, Engineering Consultants	1	OCAHO	84	(1989)
United States v. John Morales d/b/a Riverside Insulation	1	OCAHO	197	(1990)
United States v. K & M Fashions, Inc.	3	OCAHO	411	(1992)
United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant	3	OCAHO	479	(1992)
United States v. Koamerican Trading Corporation	1	OCAHO	90	(1989)
United States v. Lawrence H. Harrold d/b/a Diamond Pallet Company	1	OCAHO	114	(1989)
United States v. Lea's Party Rentals, Inc.	1	OCAHO	111	(1989)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1	OCAHO	45	(1989)
United States v. Manuel Medina, Jr., Individually d/b/a The Montana Hideaway	3	OCAHO	485	(1993)
United States v. Minaco Fashions, Inc.	3	OCAHO	534	(1993)
United States v. Mireya Pedraza-Guzman	5	OCAHO	792	(1995)
United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3	OCAHO	473	(1992)

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3 OCAHO	486	(1993)
United States v. Moses Sportswear, Inc.	6 OCAHO	841	(1996)
United States v. Mr. Pablo Saucedo	1 OCAHO	41	(1989)
United States v. Nogales Body Shop & Trailer Repair	1 OCAHO	30	(1988)
United States v. Nu Line Fashions, Inc.	1 OCAHO	147	(1990)
United States v. Patricio Torres, Individually and d/b/a Superior Roof Services	1 OCAHO	75	(1989)
United States v. Peter P. Kelley	1 OCAHO	39	(1989)
United States v. Prime Landscape Management, Inc.	1 OCAHO	204	(1990)
United States v. Raul Ramirez d/b/a Solymar Fashion	1 OCAHO	168	(1990)
United States v. Richard Garza, Individually and d/b/a El Patio Restaurant and Lounge	1 OCAHO	211	(1990)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1 OCAHO	163	(1990)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1 OCAHO	201	(1990)
United States v. Rodeo Night Club	5 OCAHO	812	(1995)
United States v. Shine Auto Service	1 OCAHO	70	(1989)
United States v. Silvio Vasquez-Guerrero d/b/a The Vasquez Company	1 OCAHO	37	(1988)
United States v. South Bay Auto Detail	1 OCAHO	68	(1989)
United States v. Spartan Brands, Inc. a/k/a Longwood Manufacturing, Inc.	5 OCAHO	749	(1995)
United States v. Tenampa Ballroom	1 OCAHO	34	(1988)
United States v. Tiki Pools, Inc. d/b/a California Pools and Spa	1 OCAHO	76	(1989)
United States v. Twiggy's Garden Center, Inc. d/b/a Westchester Site Design	2 OCAHO	301	(1991)
United States v. United Pottery Manufacturing & Accessories, Inc.	1 OCAHO	57	(1989)
United States v. Westco Ground Maintenance Company, Inc.	1 OCAHO	43	(1989)
United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels	4 OCAHO	634	(1994)
United States v. William L. Garcia d/b/a La Buena, Inc.	7 OCAHO	950	(1997)
United States v. Zeferino Castillo, Individually	3 OCAHO	505	(1993)
United States v. Zoeb Enterprises, Inc. d/b/a Papa Sam's Deli d/b/a Papaya Paradise	2 OCAHO	356	(1991)
Werline v. Public Service Electric & Gas Company	7 OCAHO	935	(1997)

Judgments By Default Are Generally Disfavored

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Persons Protected

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Pro Se

United States v. Alliance Construction, Inc. 7 OCAHO 983 (1998)

Relief From Final Order of Dismissal My Be Granted If Party Is Blameless for the Default

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Setting Aside Order

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

United States v. Monica Zapata-Cosio 4 OCAHO 685 (1994)

Meritorious Defense(s)

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

Prejudice

Manjeet Dineshbhai Kanti v. Mr. Chitranjan Patel c/o Blimpie 8 OCAHO 1007 (1998)

Statute of Limitations

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

DEFENSE(S)

Acting Lawfully Under a Law

Ahmad S. Elhajomar v. City and County of Honolulu 1 OCAHO 246 (1990)

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Acting Lawfully Under a Regulation

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)
Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)
Irma Leticia Sosa v. United States Postal Service 1 OCAHO 115 (1989)
Olimpia Tovar v. United States Postal Service 1 OCAHO 269 (1990)
United States v. Southwest Marine Corporation, a California Corporation 3 OCAHO 429 (1992)

Affirmation(s)

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

Affirmative Defense(s)

Albert Gimein v. Department of Defense & Grumman Aerospace Corporation 3 OCAHO 503 (1993)
Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)
Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle 3 OCAHO 550 (1993)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)
Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. A & A Maintenance Enterprise, Inc. 6 OCAHO 852 (1996)
United States v. Aid Maintenance Company, Inc. 6 OCAHO 893 (1996)
United States v. Alberta Sosa, Inc. 4 OCAHO 720 (1994)
United States v. Alberta Sosa, Inc. 5 OCAHO 739 (1995)
United States v. Alvand, Inc. d/b/a 410 Diner 1 OCAHO 296 (1991)
United States v. Alvand, Inc. d/b/a 410 Diner 2 OCAHO 352 (1991)
United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)
United States v. Applied Computer Technology 2 OCAHO 306 (1991)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Barnett Taylor, LLC, d/b/a Burger King 10 OCAHO 1155 (2012)

United States v. Boah Fashion, Corporation	1	OCAHO	281	(1990)
United States v. Broadway Tire, Inc.	1	OCAHO	226	(1990)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1	OCAHO	151	(1990)
United States v. Central Nebraska Packing, Inc.	4	OCAHO	714	(1994)
United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant	5	OCAHO	723	(1995)
United States v. Chicken By Chickadee Farms, Inc.	3	OCAHO	423	(1992)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Christie Automotive Products	2	OCAHO	361	(1991)
United States v. Cindy L. Golchuk d/b/a Rancho Sierra Drywall	2	OCAHO	353	(1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. David Jenkins	4	OCAHO	649	(1994)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. David Segura-Sataray	4	OCAHO	703	(1994)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)
United States v. Diamond Construction, Inc.	3	OCAHO	456	(1992)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Dolly Boman Irani	6	OCAHO	860	(1996)
United States v. Dubois Farms, Inc.	1	OCAHO	242	(1990)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	387	(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. Fairfield Jersey, Inc.	9	OCAHO	1072	(2001)
United States v. Felipe De Leon-Valenzuela	6	OCAHO	866	(1996)
United States v. Felipe De Leon-Valenzuela	6	OCAHO	899	(1996)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Gregorio Alabada Makilan	4	OCAHO	610	(1994)
United States v. Harris Ranch Beef Company	2	OCAHO	331	(1991)

United States v. Harris Ranch Beef Company	2	OCAHO	333	(1991)
United States v. Harris Ranch Beef Company	2	OCAHO	338	(1991)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	670	(1994)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)
United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. Israel Velasquez-Tabir	6	OCAHO	872	(1996)
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	298	(1991)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	1	OCAHO	218	(1990)
United States v. Julio Carpio-Lingan	6	OCAHO	871	(1996)
United States v. Kaday Musu Thoronka	5	OCAHO	772	(1995)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	212	(1990)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. MAC Specialties Ltd.	6	OCAHO	920	(1997)
United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Martin Palominos-Talavera	6	OCAHO	896	(1996)
United States v. Martina Limon-Perez	5	OCAHO	796	(1995)
United States v. Mourad Abu Remileh	4	OCAHO	706	(1994)
United States v. Mourad Abu Remileh	5	OCAHO	724	(1995)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	463	(1992)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Northern Michigan Fruit Company	4	OCAHO	667	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	3	OCAHO	540	(1993)

United States v. Patrol & Guard Enterprises, Inc.	8 OCAHO	1040	(2000)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3 OCAHO	541	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2 OCAHO	337	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3 OCAHO	583	(1993)
United States v. Robert Watson d/b/a North State Tile Company	1 OCAHO	253	(1990)
United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash	1 OCAHO	98	(1989)
United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn	3 OCAHO	584	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	533	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	563	(1993)
United States v. The Grower's Company, Inc. d/b/a Harvest Management, Inc.	2 OCAHO	346	(1991)
United States v. Thomas R. Heisler, Individually and d/b/a The Playground Bar	1 OCAHO	150	(1990)
United States v. Tuttle's Design Build, Inc.	2 OCAHO	370	(1991)
United States v. U.S. Style, Inc.	5 OCAHO	793	(1995)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3 OCAHO	399	(1992)
United States v. William and Maria Sievert	1 OCAHO	294	(1991)
United States v. Williams Produce, Inc.	4 OCAHO	671	(1994)
United States v. WSC Plumbing, Inc.	9 OCAHO	1062	(2000)
United States v. Zip City Partner, L.P. d/b/a Zip City Brewing	7 OCAHO	965	(1997)
After-Acquired Information			
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4 OCAHO	624	(1994)
Citizen v. Non-Citizen Only Where Equally Qualified			
United States v. Mesa Airlines	1 OCAHO	74	(1989)
Civil Money Penalty			
United States v. Alberta Sosa, Inc.	6 OCAHO	831	(1996)
United States v. Burns and Intra-Continental Enterprises	5 OCAHO	759	(1995)

United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein 5 OCAHO 756 (1995)
United States v. Ricardo Calderon, Inc. 6 OCAHO 832 (1996)
Collateral Estoppel

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
Compliance with Employer Sanctions

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)
Constitutional Rights

United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)
United States v. Spring & Soon Fashion, Inc. 7 OCAHO 982 (1997)
Contractor

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)
Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)
Contractor Determination Not Based Solely on Employer Classification

Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)
Contractor/Employee Determination Based on Factual Inquiries

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

United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 397 (1991)

United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 409 (1992)

Corporation(s)

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)

United States v. Robert Marnul d/b/a Lamont Street Grill 3 OCAHO 441 (1992)

United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben 1 OCAHO 138 (1990)

United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 409 (1992)

Detrimental Reliance

United States v. Irvin Industries, Inc. 1 OCAHO 139 (1990)

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

Double Jeopardy

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

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Due Process

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

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

Eighth Amendment

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

Eleventh Amendment

Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4 OCAHO	689	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4 OCAHO	689	(1994)
Massala Prince Reffell v. Prairie View A&M University	9 OCAHO	1057	(2000)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10 OCAHO	1126	(2008)
Tyrone Robinson v. New York State Family Court	5 OCAHO	814	(1995)

Entrapment

United States v. Earl & Beverly McDougal d/b/a Grand Tradition	4 OCAHO	687	(1994)
United States v. Irvin Industries, Inc.	1 OCAHO	139	(1990)
United States v. Multimatic Products, Inc.	1 OCAHO	221	(1990)
United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)

Entrapment Defense Only Applies in Criminal - Not Civil - Proceedings

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

Equitable Tolling

Ashwani Goel v. Indotronix Internation Corporation	9 OCAHO	1102	(2003)
Joseph E. Sabol v. Northern Michigan University	9 OCAHO	1107	(2004)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)

Estoppel

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al.	5 OCAHO	746	(1995)
Linda S. Walker v. United Airlines, Inc.	4 OCAHO	686	(1994)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
United States v. Felipe De Leon-Valenzuela	6 OCAHO	866	(1996)
United States v. Felipe De Leon-Valenzuela	6 OCAHO	899	(1996)
United States v. LFW Dairy Corporation	10 OCAHO	1129	(2009)
United States v. Louis Padnos Iron & Metal Co., a Corporation	3 OCAHO	414	(1992)

United States v. Scotto Brothers Woodbury Restaurant d/b/a Fox Hollow Inn	3 OCAHO	584	(1993)
United States v. Sunshine Building Maintenance, Inc.	7 OCAHO	997	(1998)
Affirmative Misconduct			
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4 OCAHO	670	(1994)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1 OCAHO	130	(1989)
Generally			
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1 OCAHO	151	(1990)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1 OCAHO	123	(1990)
United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant	1 OCAHO	45	(1989)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1 OCAHO	130	(1989)
United States v. Ralph Sanchez, Labor Contractor	1 OCAHO	58	(1989)
United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash	1 OCAHO	98	(1989)
United States v. USA Café	1 OCAHO	42	(1989)
Excessive Fines			
United States v. Pedro Dominguez	6 OCAHO	878	(1996)
Exclusionary Rule			
United States v. David Jenkins	5 OCAHO	743	(1995)
Family Relationship			
United States v. Davis Nursery, Inc.	4 OCAHO	694	(1994)
United States v. Manuel Orozco-Minjares	4 OCAHO	606	(1994)
Fifth Amendment			
United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. David Segura-Sataray	4 OCAHO	708	(1991)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6 OCAHO	897	(1996)
Generally			

United States v. Felipe De Leon-Valenzuela 6 OCAHO 866 (1996)

Fourth Amendment

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)

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

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

Generally

Kasathsko v. Internal Revenue Service 6 OCAHO 840 (1996)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

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

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

United States v. A & A Maintenance Enterprise, Inc. 6 OCAHO 852 (1996)

United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)

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

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

United States v. David Segura-Sataray 4 OCAHO 703 (1994)

United States v. Diamond Construction, Inc. 3 OCAHO 456 (1992)

United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)

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. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)

United States v. John W. Guewell & Alfred P. Cooper d/b/a Wagco Security Services 3 OCAHO 478 (1992)

United States v. Kerry J. Vicker d/b/a SNB Cleaning 5 OCAHO 819 (1995)

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

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

United States v. Monica Zapata-Cosio 5 OCAHO 822 (1995)

United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3 OCAHO	463	(1992)
United States v. Northern Michigan Fruit Company	4 OCAHO	667	(1994)
United States v. Pedro Dominguez	6 OCAHO	876	(1996)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3 OCAHO	541	(1993)
United States v. Power Operating Company	3 OCAHO	580	(1993)
United States v. R&M Fashion, Inc.	6 OCAHO	826	(1995)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4 OCAHO	625	(1994)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3 OCAHO	412	(1993)
United States v. Wood 'N Stuff	3 OCAHO	574	(1993)

Good Faith Compliance

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

Good Faith Defense

United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6 OCAHO	877	(1996)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	758	(1995)
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. 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. Carlos Cruz d/b/a La Rosa Bakery	3 OCAHO	453	(1992)
United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant	5 OCAHO	723	(1995)
United States v. Chicken By Chickadee Farms, Inc.	3 OCAHO	423	(1992)
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	123	(1990)
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. Diamond Construction, Inc.	3	OCAHO	456	(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. Dubois Farms, Inc.	1	OCAHO	242	(1990)
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	246	(1988)
United States v. Exim, Inc. and Jaime Monardes, Individually	4	OCAHO	604	(1994)
United States v. Fairfield Jersey, Inc.	9	OCAHO	1072	(2001)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. International Packaging, Inc.	12	OCAHO	1275	(2016)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1	OCAHO	195	(1990)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
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. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	246	(1988)
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. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	85	(1989)
United States v. LeMerengo/Rumors Restaurant	1	OCAHO	157	(1990)

United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	166	(1990)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
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. Mester Manufacturing Company	1	OCAHO	18	(1988)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Richard Pizzuto Dimensions in Hair and Skin	3	OCAHO	447	(1992)
United States v. Riverboat Delta King, Inc.	5	OCAHO	738	(1995)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
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	3	OCAHO	533	(1993)
United States v. The Body Shop	1	OCAHO	185	(1990)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	445	(1992)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3	OCAHO	449	(1992)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9	OCAHO	1092	(2003)

Good Faith Defense provided by 8 U.S.C. Section 1324a(b)(6)

Inapplicable to Substantive Violations

United States v. Anodizing Industries, Inc.	10	OCAHO	1184	(2013)

Ignorance of Law is Not An Affirmative Defense

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

Ignorance of Statutory Requirements

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

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

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

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

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

Impossibility Defense is Recognized in OCAHO Case Law

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

Impossibility Not Available As Defense When Destruction of I-9s Is Due To Employer's Own Actions

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Jurisdiction

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

Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Knowledge

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 828 (1995)

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)

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

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

United States v. Chicken By Chickadee Farms, Inc. 3 OCAHO 423 (1992)

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	123	(1990)
United States v. Dubois Farms, Inc.	1	OCAHO	242	(1990)
United States v. Leonor Yolanda Ortiz	6	OCAHO	889	(1996)
United States v. Maka's Akamai Service	1	OCAHO	36	(1988)
United States v. New El Rey Sausage Company	1	OCAHO	78	(1989)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1	OCAHO	91	(1989)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	533	(1993)
United States v. The Body Shop	1	OCAHO	149	(1990)
United States v. USA Café	1	OCAHO	42	(1989)

Legitimate, Nondiscriminatory Reason

Bertalina Monjaras v. Blue Ribbon Cleaners, Inc.	3	OCAHO	526	(1993)
Boris Gerardo Salazar-Castro v. Cincinnati Public Schools	3	OCAHO	406	(1992)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1110	(2004)
Jack Huang v. Queens Motel	2	OCAHO	364	(1991)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
John R. Alvarez v. Interstate Highway Construction	3	OCAHO	430	(1992)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Kasathsko v. Internal Revenue Service	6	OCAHO	840	(1996)
Linda Chellouf v. Inter American University of Puerto Rico	12	OCAHO	1269	(2016)
Luigia Wiesner v. CIT Tours, Inc.	5	OCAHO	773	(1995)
Norberto Sagal Torres v. Pacific Continental Textiles, Inc.	10	OCAHO	1203	(2013)
Nripendra S. Dhillon v. Regents of the University of California	3	OCAHO	497	(1993)
Olegario Munoz v. Pastel Furniture Manufacturing Company	3	OCAHO	457	(1992)

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)
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. Harris Ranch Beef Company	2 OCAHO	331	(1991)
United States v. Marcel Watch Corporation	1 OCAHO	143	(1990)
United States v. San Diego Semiconductors, Inc.	2 OCAHO	314	(1991)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	3 OCAHO	407	(1992)
United States v. Weld County School District	2 OCAHO	326	(1991)

Motion to Strike

United States v. Desert Palace, Inc.	9 OCAHO	1067	(2001)
United States v. Fairfield Jersey, Inc.	9 OCAHO	1072	(2001)
United States v. LFW Dairy Corporation	10 OCAHO	1129	(2009)
United States v. Martin Palominos-Talavera	6 OCAHO	896	(1996)
United States v. Martina Limon-Perez	5 OCAHO	796	(1995)

Paperwork Requirement(s)/Violation(s)

United States v. Corporate Loss Prevention Associates, Ltd.	6 OCAHO	908	(1997)
United States v. Davis Nursery, Inc.	4 OCAHO	694	(1994)
United States v. LFW Dairy Corporation	10 OCAHO	1129	(2009)
United States v. Manuel Orozco-Minjares	4 OCAHO	606	(1994)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6 OCAHO	848	(1996)
United States v. WSC Plumbing, Inc.	9 OCAHO	1062	(2000)

Penalties

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

Persons Protected

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1148 (2012)

Res Judicata

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

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

Seasonal Agricultural Workers

United States v. Mario Saikhon, Inc. 1 OCAHO 279 (1990)

United States v. Ralph Sanchez, Labor Contractor 1 OCAHO 58 (1989)

Selective Prosecution/Enforcement

United States v. ABC Roofing & Waterproofing, Inc. 1 OCAHO 247 (1990)

United States v. Alvand, Inc. d/b/a 410 Diner 1 OCAHO 296 (1991)

United States v. Earl & Beverly McDougal d/b/a Grand Tradition 4 OCAHO 687 (1994)

United States v. Law Offices of Manulkin, Glaser & Bennett 1 OCAHO 100 (1989)

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

United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 337 (1991)

United States v. Ramada Inn Old Town 1 OCAHO 105 (1989)

United States v. Weymoor Investments, Limited 1 OCAHO 56 (1989)

Settlement

United States v. Cathy Hyeon Yi d/b/a Ace Manufacturing Company 8 OCAHO 1011 (1998)

Sixth Amendment

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

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

Size of Business

United States v. Enrique Reyes d/b/a King's Produce	4	OCAHO	592	(1994)
United States v. Four Star Knitting, Inc.	6	OCAHO	868	(1996)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4	OCAHO	692	(1994)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)

Sovereign

Adnan Niaz Mir v. Federal Bureau of Prisons	3	OCAHO	510	(1993)
Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	324	(1991)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	363	(1991)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	3	OCAHO	415	(1991)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	3	OCAHO	426	(1992)
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4	OCAHO	689	(1994)
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4	OCAHO	709	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4	OCAHO	689	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4	OCAHO	709	(1994)
Massala Prince Reffell v. Prairie View A&M University	9	OCAHO	1057	(2000)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10	OCAHO	1126	(2008)
Tyrone Robinson v. New York State Family Court	5	OCAHO	814	(1995)
United States v. Auburn University	4	OCAHO	688	(1994)
United States v. El Centenario, Inc. d/b/a Las Margaritas III	1	OCAHO	246	(1988)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	246	(1988)
United States v. La Fiesta, Inc. d/b/a Las Margaritas	1	OCAHO	24	(1988)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center	12	OCAHO	1279	(2016)

Eleventh Amendment

Paul C. Iwuchukwu v. City of Grand Prairie 6 OCAHO 869 (1996)
Paul C. Iwuchukwu v. City of Grand Prairie 6 OCAHO 915 (1997)
United States v. New Mexico State Fair 6 OCAHO 898 (1996)
Generally
Robert Anthony Chung v. Federal Bureau of Prisons, FCI Greenville 6 OCAHO 881 (1996)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)
Substantial Compliance

United States v. BKR Restaurants, LLC d/b/a Burger King 10 OCAHO 1154 (2012)
United States v. Chicken By Chickadee Farms, Inc. 3 OCAHO 423 (1992)
United States v. Citizens Utilities Company, Inc., Telephone Division 1 OCAHO 161 (1990)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 123 (1990)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 886 (1996)
United States v. Diamond Construction, Inc. 3 OCAHO 456 (1992)
United States v. Goldenfield Corporation d/b/a Rodeway Inn 2 OCAHO 321 (1991)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)
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 298 (1991)
United States v. Jonel, Inc. 7 OCAHO 967 (1997)
United States v. Ketchikan Drywall Services, Inc. 10 OCAHO 1139 (2011)
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. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant 1 OCAHO 130 (1989)
United States v. Mario Saikhon, Inc. 1 OCAHO 279 (1990)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers 1 OCAHO 154 (1990)
United States v. Minaco Fashions, Inc. 3 OCAHO 587 (1993)

United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)
United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 337 (1991)
United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 354 (1991)
United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)
United States v. San Ysidro Ranch 1 OCAHO 183 (1990)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 533 (1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 449 (1992)
The Defense of Sovereign Immunity May Be Raised At Any Point in the Proceeding

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)
Tortious Act

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
Use Immunity

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)
Vague and Indefinite

United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)
Vague Awareness of IRCA's Climate

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)
Waiver

United States v. Felipe De Leon-Valenzuela 6 OCAHO 899 (1996)

United States v. Nancy Mubarki 5 OCAHO 816 (1995)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)

DEFINITIONS

Abuse of Process

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

Alter

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

Casual Domestic Employment

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

Counterfeit

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

Direct Evidence

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)
Olisaemeka Eze v. West County Transportation Agency 10 OCAHO 1140 (2011)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

Employer(s)

Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company 4 OCAHO 675 (1994)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)
United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)

Employment

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. David Jenkins 4 OCAHO 649 (1994)

Estoppel

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al. 5 OCAHO 746 (1995)

Falsely Made

United States v. Mourad Abu Remileh 5 OCAHO 724 (1995)

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

Final Order

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)

United States v. Mourad Abu Remileh 6 OCAHO 864 (1996)

Foreigner

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Forge

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

Hire/Hiring

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)

United States v. David Jenkins 4 OCAHO 649 (1994)

Malicious Prosecution

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

Proceeding

United States v. Curran Engineering Company, Inc. 7 OCAHO 975 (1997)

Res Judicata

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al. 5 OCAHO 746 (1995)

Use

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

DEPORTATION

Document Fraud

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

Generally

United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. Kaday Musu Thoronka 5 OCAHO 725 (1995)

United States v. Orlando Diaz-Rosas 4 OCAHO 702 (1994)

DEPOSITIONS

Admissibility

Anna J. Flores v. Daniel Dry Cleaners 4 OCAHO 693 (1994)

Compel

United States v. Townsend Culinary, Inc. 7 OCAHO 996 (1998)

Depositions Should Be Cancelled if Testimony is Not Necessary, Relevant, and/or Non-duplicative

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Failure to Appear

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 622 (1994)

Fifth Amendment

United States v. Pedro Dominguez 6 OCAHO 910 (1997)
United States v. Roberto C. Davila 6 OCAHO 903 (1996)
Generally

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
United States v. Armando Alvarez-Suarez 4 OCAHO 651 (1994)
United States v. Armando Alvarez-Suarez 4 OCAHO 699 (1994)
United States v. Leonor Yolanda Ortiz 6 OCAHO 863 (1996)
United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)
United States v. Roberto C. Davila 6 OCAHO 895 (1996)
United States v. Roberto C. Davila 6 OCAHO 902 (1996)
Interrogatories

Jose Proto Alcaraz v. General Motors Corporation 7 OCAHO 962 (1997)
Limitation(s)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
Privilege Claim

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 897 (1996)
Telephonic

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
DISCOVERY
Acceptable

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1079 (2002)

Admission(s)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)
United States v. Alberta Sosa, Inc. 5 OCAHO 739 (1995)
United States v. Alberto Noriega-Perez 5 OCAHO 798 (1995)
United States v. Alberto Noriega-Perez 5 OCAHO 811 (1995)
United States v. Broadway Tire, Inc. 2 OCAHO 310 (1991)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)
United States v. Charo's Corporation d/b/a Charo's Restaurant 2 OCAHO 305 (1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant 2 OCAHO 369 (1991)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares 2 OCAHO 316 (1992)
United States v. Esther Flores-Martinez 5 OCAHO 733 (1995)
United States v. Exim, Inc. and Jaime Monardes, Individually 3 OCAHO 591 (1993)
United States v. Four Star Knitting, Inc. 5 OCAHO 815 (1995)
United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)
United States v. Marisol Chavez-Ramirez 5 OCAHO 774 (1995)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 3 OCAHO 560 (1993)
United States v. Ricardo Calderon, Inc. 5 OCAHO 805 (1995)

ALJ Must Exercise Discretion in Resolving Discovery Disputes

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

ALJ Not Bound By Federal Rules of Civil Procedure

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

Asserting Party Bears Burden of Establishing Privilege

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Attorney-Client Privilege

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1087 (2002)
United States v. R & C Tours (Guam), Inc. 2 OCAHO 393 (1989)
United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)
Broad Scope of Permissible Discovery for Allegations of Pattern or Practice

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

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)
United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)
United States v. Volvo Trucks North America, Inc. 7 OCAHO 994 (1998)
United States v. Westheimer Wash Corporation d/b/a Bubbles Car Wash 7 OCAHO 989 (1998)
Business Records Used in Normal Course of Human Resource Duties Not Privileged

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)
Caution Required in Imposing Discovery Burden On Non-Party

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

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)
Definition
United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1078 (2002)
Citizenship Status

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1031 (1999)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Compel

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

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 613 (1994)

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

United States v. Marvlee, Inc. 5 OCAHO 728 (1995)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 700 (1994)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

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

United States v. Townsend Culinary, Inc. 7 OCAHO 996 (1998)

Data Not Shown to Expert or Used to Prove Case Is Not Relevant Evidence

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Deposing Opposing Counsel

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1157 (2012)

Depositions

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

Jose Proto Alcaraz v. General Motors Corporation 7 OCAHO 962 (1997)

United States v. Armando Alvarez-Suarez 4 OCAHO 699 (1994)

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1157 (2012)

United States v. Pedro Dominguez 6 OCAHO 910 (1997)

United States v. Roberto C. Davila 6 OCAHO 895 (1996)

United States v. Roberto C. Davila 6 OCAHO 903 (1996)

United States v. Roberto C. Davila 6 OCAHO 902 (1996)

Depositions Should Be Cancelled if Testimony is Not Necessary, Relevant, and/or Non-duplicative

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Discovery Permitted as to Any Matter Relevant to Subject Matter of Case and Not Privileged

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

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Disparate Treatment

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Disputes About Temporal Scope of Discovery Resolved in the Factual Context of Each Case

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

Documents

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 358 (1991)

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

United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 531 (1993)

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

United States v. SDI Industries, Inc. 3 OCAHO 465 (1992)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)

United States v. Westheimer Wash Corporation d/b/a Bubbles Car Wash 7 OCAHO 989 (1998)

Employment Practice

United States v. Guardsmark 4 OCAHO 614 (1994)

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

Employment Practices Outside Limitations Period Always Potentially Relevant

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

Evasive or Incomplete Response To Discovery May Be Treated as Failure to Respond

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

Fifth Amendment

United States v. Alberto Noriega-Perez 5 OCAHO 777 (1995)

United States v. David Segura-Sataray 4 OCAHO 708 (1991)

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 897 (1996)

Fourth Amendment

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)

Frequency and Extent of Discovery May Be Limited by ALJ Sua Sponte or Upon Motion

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

Frequency and Extent of Discovery May Be Limited If Burden/Expense Outweighs Likely Benefit

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

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

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

Generally

Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 460 (1992)

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 487 (1993)

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)

Galdino Casillas Garcia v. McCarron Electric Company	5	OCAHO	747	(1995)
In re Investigation of ABM Industries, Subpoena	5	OCAHO	763	(1995)
In re Investigation of Valley Crest Tree Company, Subpoena	3	OCAHO	579	(1993)
Iron Workers Local 455 v. Lake Construction & Development Corporation	6	OCAHO	911	(1997)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	3	OCAHO	415	(1991)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1084	(2002)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	53	(1989)
Joan A. Lardy v. United Airlines, Inc.	3	OCAHO	450	(1992)
Joan A. Lardy v. United Airlines, Inc.	3	OCAHO	493	(1993)
Leonid Naginsky v. Department of Defense	5	OCAHO	802	(1995)
Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company	4	OCAHO	675	(1994)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	4	OCAHO	678	(1994)
Sergio Flores Ortiz v. Moll-Tex Broadcasting Company	3	OCAHO	440	(1992)
United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. ABC Roofing & Waterproofing, Inc.	1	OCAHO	247	(1990)
United States v. ABC Roofing & Waterproofing, Inc.	2	OCAHO	358	(1991)
United States v. ABC Roofing & Waterproofing, Inc.	2	OCAHO	381	(1991)
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)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Armando Alvarez-Suarez	4	OCAHO	651	(1994)
United States v. Armstrong Painting and Waterproofing and Modesto Sevilla	1	OCAHO	231	(1991)
United States v. Business Teleconsultants, Ltd.	3	OCAHO	536	(1993)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	305	(1991)
United States v. Cleopatra International Jewelry, Inc.	1	OCAHO	186	(1990)

United States v. Creation & Innovation	3	OCAHO	491	(1993)
United States v. Daniel Fenton Wilde, Individually and d/b/a Danny Wilde Farm	1	OCAHO	213	(1990)
United States v. David Day d/b/a David Day Masonry	3	OCAHO	514	(1993)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. Esther Flores-Martinez	5	OCAHO	733	(1995)
United States v. Feliciano Aguas-Avalos	4	OCAHO	642	(1994)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Harris Ranch Beef Company	1	OCAHO	277	(1990)
United States v. Harris Ranch Beef Company	2	OCAHO	302	(1991)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Ideal Tortilla Factory, Inc.	2	OCAHO	366	(1991)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors	1	OCAHO	119	(1989)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	2	OCAHO	394	(1990)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Law Offices of Manulkin, Glaser & Bennett	1	OCAHO	100	(1989)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	96	(1989)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	142	(1990)
United States v. M.C.S.M. Inc. d/b/a Tre Fratelly Restaurant	3	OCAHO	544	(1993)
United States v. Manca Imports, Inc.	1	OCAHO	268	(1990)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6	OCAHO	865	(1996)
United States v. Marvlee, Inc.	5	OCAHO	728	(1995)
United States v. McDonnell Douglas Corporation	2	OCAHO	351	(1991)
United States v. McDonnell Douglas Corporation	2	OCAHO	380	(1991)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	472	(1992)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	319	(1991)
United States v. Northern Michigan Fruit Company	4	OCAHO	667	(1994)
United States v. Northwest Airlines, Inc.	3	OCAHO	452	(1992)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)

United States v. Nu Look Cleaners of Pembroke Pines, Inc.	2 OCAHO	318	(1991)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	2 OCAHO	328	(1991)
United States v. Otilio Franco d/b/a Cruz Leyva Construction	1 OCAHO	82	(1989)
United States v. Patrol & Guard Enterprises, Inc.	8 OCAHO	1052	(2000)
United States v. Power Operating Company	3 OCAHO	580	(1993)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	3 OCAHO	560	(1993)
United States v. R & C Tours (Guam), Inc.	2 OCAHO	393	(1989)
United States v. Ramada Inn Old Town	1 OCAHO	105	(1989)
United States v. Rosario Strano d/b/a Strano Farms	3 OCAHO	492	(1993)
United States v. Rosario Strano d/b/a Strano Farms	3 OCAHO	555	(1993)
United States v. Sam Y. Ro d/b/a Daruma Japanese Restaurant	1 OCAHO	265	(1990)
United States v. San Diego Semiconductors, Inc.	1 OCAHO	190	(1990)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	1 OCAHO	252	(1990)
United States v. Scandia Interiors, Inc.	1 OCAHO	290	(1991)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	563	(1993)
United States v. Tuttle's Design Build, Inc.	3 OCAHO	422	(1992)
United States v. U.S. Style, Inc.	5 OCAHO	793	(1995)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	2 OCAHO	390	(1991)
United States v. Westin Galleria & Westin Oaks Hotel	4 OCAHO	701	(1994)
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

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

Hearsay Evidence

United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. Snack Attack Deli, Inc.	10 OCAHO	1137	(2010)

Immunity

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)

In OCAHO Cases Discovery is Broad But Not Unlimited

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

Inadequate Pleadings

United States v. Alberta Sosa, Inc. 5 OCAHO 739 (1995)

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

Interrogatories

Iron Workers Local 455 v. Lake Construction & Development Corporation 6 OCAHO 911 (1997)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

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

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

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 976 (1997)

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

Misrepresentations

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Monetary Sanction Not Permitted for Failure to Comply With Discovery Order

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

Motion to Compel

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1157 (2012)

Motion to Compel Discovery

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)

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

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

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

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

Motion to Compel Must Include Certification of Good Faith Resolution Efforts

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

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

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

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

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

Party Resisting Discovery Has Burden of Demonstrating That Objection Is Justified

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

Privacy

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)

Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 883 (1996)

Privilege Claim

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

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

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 897 (1996)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 700 (1994)

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

United States v. Westheimer Wash Corporation d/b/a Bubbles Car Wash 7 OCAHO 989 (1998)

Attorney Work Product

In re Investigation of Wal-Mart Distribution Center, Subpoena 5 OCAHO 788 (1995)

James D. Westendorf v. Brown & Root, Inc. 3 OCAHO 405 (1992)

United States v. Northwest Airlines, Inc. 3 OCAHO 452 (1992)

Production

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)

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

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 613 (1994)

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

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

United States v. Zabala Vineyards 5 OCAHO 734 (1995)

Protective Order(s)

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1157 (2012)

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 976 (1997)

Depositions

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

Generally

Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)

Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 883 (1996)

Relevance

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)

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

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

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1157 (2012)

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Employment Statistics

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

General Pattern of Discrimination

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

Post Complaint Discovery

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

Relevance Broadly Construed

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

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

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

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

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

Sanctions

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1091 (2003)
United States v. Alberto Noriega-Perez 5 OCAHO 798 (1995)
United States v. Armando Alvarez-Suarez 4 OCAHO 699 (1994)
United States v. Giamblis Enterprises 5 OCAHO 807 (1995)
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. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

Sanctions for Failure to Timely Produce Documents

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

Scope

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 613 (1994)

Scope Commonly Extended to Reasonable Number of Years Before and After Alleged Discriminatory Action

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

Scope Generally Extends to Any Relevant Information That is Not Privileged

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

Selective Prosecution/Enforcement

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

Show Cause

Sanction(s)

Jose Proto Alcaraz v. General Motors Corporation 7 OCAHO 962 (1997)

Specific/Detailed Summary Not Required for Document Identification

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

Subpoena

In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)

In re Investigation of Hyatt Regency Lake Tahoe, Subpoena 5 OCAHO 751 (1995)

In re Investigation of Norfolk Public Schools, Subpoena 4 OCAHO 621 (1994)

In re Investigation of Wal-Mart Distribution Center, Subpoena 5 OCAHO 788 (1995)

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

Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

Summary Decision

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

Temporal Scope May Be Limited Where Requests Are Overly Broad and Unduly Burdensome

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

Timeliness

United States v. Alberta Sosa, Inc. 5 OCAHO 731 (1995)

United States v. Four Star Knitting, Inc. 5 OCAHO 815 (1995)

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

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

DISCRIMINATION

5/10 Year Rule

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Charge

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1031 (1999)
Esther Din Brooks v. Watts Window World 3 OCAHO 558 (1993)
Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 466 (1992)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Sellaro v. Elektra Records 3 OCAHO 495 (1993)
United States v. Mesa Airlines 1 OCAHO 74 (1989)

Citizenship Status

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)
Adolfo Cruz Deguzman v. First America Bank Corporation 3 OCAHO 585 (1993)
Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Amadeo Gonzalez v. Phoenix Motor Company 3 OCAHO 410 (1992)
Aurelia Forden v. Dr. Lothar Griessbach 5 OCAHO 735 (1995)
Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)
Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)
Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 526 (1993)
Boris Gerardo Salazar-Castro v. Cincinnati Public Schools 3 OCAHO 406 (1992)
Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 535 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 549 (1993)

Celia Simon v. Ingram Micro, Inc.	9	OCAHO	1088	(2003)
Chand Wije v. Barton Springs/Edwards Aquifier C.D.	5	OCAHO	785	(1995)
Chao v. McDonnell Douglas Corporation	6	OCAHO	824	(1995)
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Costigan v. NYNEX	6	OCAHO	918	(1997)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3	OCAHO	550	(1993)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
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)
Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia	1	OCAHO	203	(1990)
Elizabeth Klimas v. Department of Treasury	3	OCAHO	419	(1992)
Elodia Guzman v. Yakima Fruit & Cold Storage	9	OCAHO	1066	(2001)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Errol Williams v. Lucas & Associates	2	OCAHO	357	(1991)
Esther Din Brooks v. KNK Textile	3	OCAHO	528	(1993)
Esther Din Brooks v. KNK Textile	3	OCAHO	545	(1993)
Eusebio Huesca v. Rojas Bakery	4	OCAHO	654	(1994)
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)
Frederick John Harris v. State of Hawaii, Department of Education	6	OCAHO	922	(1997)
George Suchta v. United States Postal Service	2	OCAHO	327	(1991)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	484	(1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	539	(1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	590	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	469	(1992)

Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc.	1	OCAHO	144	(1990)
Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7	OCAHO	939	(1997)
In re Investigation of University of South Florida, Subpoena	8	OCAHO	1056	(2000)
Irma Leticia Sosa v. United States Postal Service	1	OCAHO	115	(1989)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	348	(1991)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Jaycee George v. Bridgeport Jai-Alai, Inc.	3	OCAHO	537	(1993)
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)
Joan A. Lardy v. United Airlines, Inc.	4	OCAHO	595	(1994)
John R. Alvarez v. Interstate Highway Construction	3	OCAHO	430	(1992)
Jorge Mario Ipina v. Michigan Department of Labor	2	OCAHO	386	(1991)
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 Jasso v. Danbury Hilton & Towers	3	OCAHO	522	(1993)
Jose Ortega v. Vermont Bread	3	OCAHO	475	(1993)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Juan Antonio Martinez v. Ray's Bar-B-Que	9	OCAHO	1120	(2005)
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)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)

Krzysztof Zarazinski v. Anglo Fabrics, Company	3	OCAHO	470	(1992)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	638	(1994)
Lee v. AT&T	7	OCAHO	924	(1997)
Marcos Valencio v. VASP Brazilian Airlines	5	OCAHO	740	(1995)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	562	(1993)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Maria Gordillo v. Illinois Department of Employment Security	3	OCAHO	542	(1993)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
McNier v. San Francisco State University College of Business	7	OCAHO	998	(1998)
Miguel A. Gallegos v. Magna-View, Inc.	4	OCAHO	619	(1994)
Moises Reyes v. Pilgrim Psychiatric Center	3	OCAHO	529	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	3	OCAHO	519	(1993)
Mr. Wahab E. Ekunsumi v. Hyatt Regency Hotel of Cincinnati	1	OCAHO	128	(1990)
Nripendra S. Dhillon v. Regents of the University of California	3	OCAHO	497	(1993)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
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)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Roberto Decasez-Martinez v. Tyson Foods, Inc.	2	OCAHO	372	(1991)
Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee	10	OCAHO	1212	(2014)
Salvador Chavarin-Lopez v. Nichols Farms	2	OCAHO	371	(1991)
Sara Caspi v. William J. Hoffman and Trigild Corporation	6	OCAHO	838	(1996)
Sargon Bethishou v. Ohmite Manufacturing Company	1	OCAHO	77	(1989)
Sellaro v. Elektra Records	3	OCAHO	495	(1993)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)

Stephen Salerno v. ICL Retail Systems, Inc.	3	OCAHO	481	(1993)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)
United States v. A.J. Bart, Inc.	3	OCAHO	538	(1993)
United States v. Auburn University	3	OCAHO	564	(1993)
United States v. Auburn University	4	OCAHO	617	(1994)
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	3	OCAHO	572	(1993)
United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms	11	OCAHO	1256	(2015)
United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms	11	OCAHO	1252	(2015)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. McDonnell Douglas Corporation	4	OCAHO	676	(1994)
United States v. San Diego Semiconductors, Inc.	2	OCAHO	314	(1991)
United States v. Swift & Co.	9	OCAHO	1068	(2001)
United States v. Weld County School District	2	OCAHO	326	(1991)
Yves Nguyen v. ADT Engineering, Inc.	3	OCAHO	489	(1993)
Disparate Treatment				
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 in Section 1324b Case Must Show That Discrimination Was Intentional				
Victor Guerrero v. California Department of Corrections and Rehabilitation	11	OCAHO	1264	(2015)
Complainant Must Raise Genuine Issue as to Whether Proffered Reasons for Termination Were Pretext				

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)
Norberto Sagal Torres v. Pacific Continental Textiles, Inc. 10 OCAHO 1203 (2013)
Complainant Not Required to Plead Facts of Prima Facie Case for Claim Under Section 1324b

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)
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

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)
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 1124 (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)

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. 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)

Document Abuse

Ahadu Tadesse v. United States Postal Service	7 OCAHO	979	(1997)
Celia Simon v. Ingram Micro, Inc.	9 OCAHO	1088	(2003)
Christopher Winkler v. Timlin Corporation	6 OCAHO	912	(1997)
Christopher Winkler v. West Capital Financial Services	7 OCAHO	928	(1997)
Costigan v. NYNEX	6 OCAHO	918	(1997)
Daniel DeNardo v. WH Smith USA Travel	9 OCAHO	1080	(2002)
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)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Frederick John Harris v. State of Hawaii, Department of Education	6 OCAHO	922	(1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1075	(2001)
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)
Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
United States v. Acosta, Inc. d/b/a McDonald's 7 OCAHO 961 (1997)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Guardsmark 3 OCAHO 572 (1993)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)
United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)
United States v. Zabala Vineyards 6 OCAHO 830 (1995)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Documents

Form I-9

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

Employer's Broad Discretion Expectations for Employee's Performance

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

Employer's Constantly Shifting Explanations for Adverse Action Can Alone Show Pretext

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

Evidence

Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)
Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)
Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)

Crecencio Cabrera Mendez v. Jim Daniels	2	OCAHO	374	(1991)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	460	(1992)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel	3	OCAHO	568	(1993)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3	OCAHO	550	(1993)
Dolores Garcia Contreras v. Cascade Fruit Company	9	OCAHO	1090	(2003)
Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center	8	OCAHO	1050	(2000)
Errol Williams v. Lucas & Associates	2	OCAHO	357	(1991)
George Suchta v. United States Postal Service	2	OCAHO	327	(1991)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1075	(2001)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jack Huang v. Queens Motel	2	OCAHO	364	(1991)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	189	(1990)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Jasso v. Danbury Hilton & Towers	3	OCAHO	522	(1993)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Juan Francisco Martinez v. Lott Constructors, Inc.	2	OCAHO	323	(1991)
Juan Manuel Alamprese v. MNSH, Inc.	9	OCAHO	1094	(2003)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Krzysztof Zarazinski v. Anglo Fabrics, Company	3	OCAHO	470	(1992)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Olegario Munoz v. Pastel Furniture Manufacturing Company	3	OCAHO	457	(1992)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center	3	OCAHO	532	(1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center	3	OCAHO	532	(1993)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)

Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Roberto Decasez-Martinez v. Tyson Foods, Inc.	2	OCAHO	372	(1991)
Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales	3	OCAHO	458	(1992)
Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee	10	OCAHO	1212	(2014)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. General Dynamics	3	OCAHO	517	(1993)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	106	(1989)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	141	(1990)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. Mesa Airlines	1	OCAHO	74	(1989)
United States v. San Diego Semiconductors, Inc.	2	OCAHO	314	(1991)
United States v. Zabala Vineyards	6	OCAHO	830	(1995)
Wisniewski v. Douglas County School System	1	OCAHO	29	(1988)
Reduction in Force				
Daniel Bendig v. Conoco, Inc.	9	OCAHO	1065	(2001)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Evidence of Pretext Must Be Specific and Substantial				
Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership	11	OCAHO	1254	(2015)
Filing of EEOC Charge Is Not A Condition Precedent to Filing of OSC Charge				
Oswalde Woode v. Central Regional Hospital NCDHHS Agency	11	OCAHO	1235	(2014)
Form I-9				

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

Generally

Adnan Niaz Mir v. Federal Bureau of Prisons	3 OCAHO	510	(1993)
Carlos Aciar v. Rosen's Delicatessen	9 OCAHO	1086	(2002)
Daniel Joseph Bendig v. Conoco, Inc.	9 OCAHO	1077	(2001)
Earl Russel Horne v. Town of Hampstead	6 OCAHO	906	(1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3 OCAHO	539	(1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3 OCAHO	590	(1993)
Grzegirz Pioterek v. Scott Worldwide Food Service	3 OCAHO	530	(1993)
Howard Eugene McNier v. San Francisco State University College of Business	7 OCAHO	947	(1997)
James D. Westendorf v. Brown & Root, Inc.	3 OCAHO	477	(1992)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Jose Jasso v. Danbury Hilton & Towers	3 OCAHO	522	(1993)
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4 OCAHO	709	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4 OCAHO	709	(1994)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9 OCAHO	1081	(2002)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	661	(1994)
Leandro Miraon Aguinaldo v. McDonnell Douglas Corporation	4 OCAHO	707	(1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend	6 OCAHO	891	(1996)
Lydia Annella Anderson v. Newark Public Schools	8 OCAHO	1035	(1999)
Marcos Valencio v. VASP Brazilian Airlines	5 OCAHO	740	(1995)
Margarita Yefremov v. New York City Department of Transportation	3 OCAHO	466	(1992)
Maria Gordillo v. Illinois Department of Employment Security	3 OCAHO	542	(1993)
Michael K. Lee v. Airtouch Communications	6 OCAHO	901	(1996)
Priscilla C. Hensel v. Oklahoma City Veteran's Affairs Medical Center	3 OCAHO	532	(1993)
Priscilla C. Hensel v. University of Oklahoma Health Sciences Center	3 OCAHO	532	(1993)

Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
United States v. Auburn University 3 OCAHO 564 (1993)
United States v. General Dynamics 3 OCAHO 517 (1993)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
United States v. Weld County School District 2 OCAHO 326 (1991)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)
Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)
Individual Alleging Discrimination Has Initial Burden of Establishing Prima Facie Case

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)
Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)
Individual's Subjective Perception of Discrimination Does Not Substitute for Evidence

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

Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)
INS Guidelines
Technical or Procedural Verification Failures
Daniel DeNardo v. WH Smith USA Travel 9 OCAHO 1080 (2002)
Intent To Discriminate If Person Would Have Acted Differently But For Protected Characteristic

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

Ahadu Tadesse v. United States Postal Service 7 OCAHO 979 (1997)

Benjamin Barone v. Superior Washer and Gasket Corp.	10	OCAHO	1176	(2013)
Dolores Garcia Contreras v. Cascade Fruit Company	9	OCAHO	1090	(2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
Jorge Mario Ipina v. Michigan Jobs Commission	8	OCAHO	1036	(1999)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Juan Manuel Alamprese v. MNSH, Inc.	9	OCAHO	1094	(2003)
Raul A. Gonzalez v. Tri-Component Products, Inc.	9	OCAHO	1118	(2005)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	106	(1989)
United States v. Lasa Marketing Firms, a California Partnership	1	OCAHO	141	(1990)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)

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

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

Jurisdiction

Adolfo Cruz Deguzman v. First America Bank Corporation	3	OCAHO	585	(1993)
Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	535	(1993)
Christopher Winkler v. West Capital Financial Services	7	OCAHO	928	(1997)
Cormia v. Home Care Giver Services	10	OCAHO	1160	(2012)
Corneliu Curuta v. United States Water Conservation Laboratory	3	OCAHO	459	(1992)
Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc.	3	OCAHO	548	(1993)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Esther Din Brooks v. KNK Textile	3	OCAHO	528	(1993)
Frank Thomas Brown v. Baltimore City Public Schools	3	OCAHO	480	(1992)

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	469	(1992)
Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	8	OCAHO	1030	(1999)
Hutchinson v. GTE Data Services	7	OCAHO	954	(1997)
In re Investigation of University of South Florida, Subpoena	8	OCAHO	1056	(2000)
Jamal Y. Elhaj-Chehade v. University of Texas Southwestern Medical School	8	OCAHO	1022	(1999)
Jay S. Manning v. The City of Jacksonville	7	OCAHO	956	(1997)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	663	(1994)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	466	(1992)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Sellaro v. Elektra Records	3	OCAHO	495	(1993)
United States v. Auburn University	4	OCAHO	617	(1994)
Werline v. Public Service Electric & Gas Company	7	OCAHO	935	(1997)
William S. Monda v. Staryhab, Inc.	8	OCAHO	1002	(1998)

Knowledge of Citizenship Status

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

Legitimate, Nondiscriminatory Reason

Benjamin Barone v. Superior Washer and Gasket Corp.	10	OCAHO	1176	(2013)
Celia Simon v. Ingram Micro, Inc.	9	OCAHO	1088	(2003)
Daniel Bendig v. Conoco, Inc.	9	OCAHO	1065	(2001)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
Dolores Garcia Contreras v. Cascade Fruit Company	9	OCAHO	1090	(2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Gurpreet Sodhi v. Maricopa Medical Center	10	OCAHO	1124	(2008)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jose Carlos De Araujo v. Joan Smith Enterprises, Inc., aka California Pools and Spas and or California Pools and Landscape	10	OCAHO	1187	(2013)
Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Kasathsko v. Internal Revenue Service	6	OCAHO	840	(1996)
Linda Chellouf v. Inter American University of Puerto Rico	12	OCAHO	1269	(2016)
Luigia Wiesner v. CIT Tours, Inc.	5	OCAHO	773	(1995)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Norberto Sagal Torres v. Pacific Continental Textiles, Inc.	10	OCAHO	1203	(2013)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)

Malice Or Ill Will Is Not Required to Establish Discrimination

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

National Origin

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
In re Investigation of University of South Florida, Subpoena	8	OCAHO	1056	(2000)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)

Richard F. Lareau v. US Airways, Inc.	7 OCAHO	932	(1997)
Stephen A. Lewis v. McDonald's Corporation	2 OCAHO	383	(1991)
United States v. Great Earth Companies, Inc.	9 OCAHO	1070	(2001)
United States v. San Diego Semiconductors, Inc.	2 OCAHO	314	(1991)
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)
Jurisdiction			
Benjamin A. K. Yohan v. Central State Hospital	4 OCAHO	593	(1994)

Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)
Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1015 (1998)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Frederick John Harris v. State of Hawaii, Department of Education 6 OCAHO 922 (1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)
Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)
Michael K. Wockenfuss v. Bureau of Prisons 5 OCAHO 767 (1995)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 838 (1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)
United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)
No Mandate That U.S. Citizen Be Afforded Preference Over Equally Qualified Alien Individual

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1252 (2015)
Nonimmigrant
H-1B visa
William S. Monda v. Staryhab, Inc. 8 OCAHO 1002 (1998)
OCAHO Case Law, Unlike Title VII, Has Never Recognized the Disparate Impact Theory

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)
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)
OCAHO Jurisprudence Looks To Cases Under Title VII for General Guidance in Interpreting Section 1324b

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

OSC, A Separate and Distinct Party, Can Pursue Complaint-In-Intervention Without Charging Party

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

Pattern or Practice

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

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

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Volvo Trucks North America, Inc. 7 OCAHO 994 (1998)

Pattern Or Practice of Discrimination Shown If Employer Discriminates As Standard Operating Procedure

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)

Pretext

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

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

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

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

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

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

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

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

Reduction in Force

Daniel Bendig v. Conoco, Inc.	9	OCAHO	1065	(2001)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)

Retaliation

Benjamin A. K. Yohan v. Central State Hospital	4	OCAHO	593	(1994)
Brenda Bent v. Brotman Medical Center Pulse Health Services	5	OCAHO	764	(1995)
Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	668	(1994)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
Drahomira Adame v. Dunkin Donuts	4	OCAHO	691	(1994)
Drahomira Adame v. Dunkin Donuts	5	OCAHO	722	(1995)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Frederick John Harris v. State of Hawaii, Department of Education	6	OCAHO	922	(1997)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1127	(2007)
Gurpreet Sodhi v. Maricopa Medical Center	10	OCAHO	1124	(2008)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1097	(2003)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
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)
Joan A. Lardy v. United Airlines, Inc.	4	OCAHO	595	(1994)
John A. Breda v. Kindred Braintree Hospital, LLC	10	OCAHO	1202	(2013)
Jorge Mario Ipina v. Michigan Jobs Commission	8	OCAHO	1036	(1999)
Jose Danilo Cruz v. Able Service Contractors, Inc.	6	OCAHO	837	(1996)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	663	(1994)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)

Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	638	(1994)
Linda Chellouf v. Inter American University of Puerto Rico	12	OCAHO	1269	(2016)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company	4	OCAHO	675	(1994)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Seidou Diarrassouba v. Medallion Financial Corporation	9	OCAHO	1076	(2001)
United States v. Guardsmark	3	OCAHO	572	(1993)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)
United States v. Shirley Fuimoto, Hawaii Government Employees Association	7	OCAHO	937	(1997)
United States v. Zabala Vineyards	6	OCAHO	844	(1996)

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)
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)

Similarly Situated Comparators

Jose Pablo Martinez v. Superior Linen	10	OCAHO	1180	(2013)
Norberto Sagal Torres v. Pacific Continental Textiles, Inc.	10	OCAHO	1203	(2013)

Subject Matter Jurisdiction

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7	OCAHO	939	(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Lydia Annella Anderson v. Newark Public Schools	8	OCAHO	1024	(1999)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Tax Protester

Bunn v. USX/US Steel 7 OCAHO 985 (1998)

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)

Christopher Winkler v. West Capital Financial Services 7 OCAHO 928 (1997)

Costigan v. NYNEX 6 OCAHO 918 (1997)

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

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)

James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)

Jay S. Manning v. The City of Jacksonville 7 OCAHO 956 (1997)

Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 938 (1997)

Lee v. AT&T 7 OCAHO 924 (1997)

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)

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

Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)

Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

To Rebut Prima Facie Case, Employer Must State Non-Discriminatory Reason for Employment Decision

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

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)
Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

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)
Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)
Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)
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)
Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)
United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1252 (2015)

DISMISSAL

Abandonment

Abdul Hamid Kadir v. Regal Dental Ceramics 4 OCAHO 598 (1994)
Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 622 (1994)
Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)
LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)
Martin A. Holguin v. Dona Ana Fashions 4 OCAHO 605 (1994)

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)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC	11	OCAHO	1265	(2015)
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)

After-Acquired Information

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

Citizenship Status Discrimination

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)
Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee	10	OCAHO	1212	(2014)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)

Citizenship Status Jurisdiction

Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
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)

Default

LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)

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

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

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)

Even Under Liberal Pleading Standards, Claims Lacking Adequate Basis Must Be Dismissed

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)

Failure to Respond

United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1177 (2013)

Failure To Respond to an Order May Be Deemed an Abandonment of a Party's Request for a Hearing

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Failure to State a Claim

Amadeo Gonzalez v. Phoenix Motor Company	3	OCAHO	410	(1992)
Aurelia Forden v. Dr. Lothar Griessbach	5	OCAHO	735	(1995)
Brenda Bent v. Brotman Medical Center Pulse Health Services	5	OCAHO	764	(1995)
Carlos Alfredo Osorno v. Cesar Geraldo, Owner, Reliable Graphics, Inc.	1	OCAHO	275	(1990)
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Costigan v. NYNEX	6	OCAHO	918	(1997)
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)
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4	OCAHO	612	(1994)
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)
Grzegirz Pioterek v. Scott Worldwide Food Service	3	OCAHO	530	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	469	(1992)
Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Jaycee George v. Bridgeport Jai-Alai, Inc.	3	OCAHO	537	(1993)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)
Leandro Miraon Aguinaldo v. McDonnell Douglas Corporation	4	OCAHO	707	(1994)
Lee v. AT&T	7	OCAHO	924	(1997)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	705	(1994)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Robert S. Mathews v. Goodyear Tire & Rubber Company	7	OCAHO	929	(1997)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Sellaro v. Elektra Records	3	OCAHO	461	(1992)
Sellaro v. Elektra Records	3	OCAHO	495	(1993)
Susan K. Horst v. Juneau School District City and Borough of Juneau	7	OCAHO	957	(1997)

United States v. Azteca Restaurant, Northgate 1 OCAHO 33 (1988)
United States v. Capitol Arts & Frames, Inc. 1 OCAHO 229 (1990)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Final Order of Dismissal Based on Abandonment Analogous to Entry of Default Judgment

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Frivolous Complaint

Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc. 7 OCAHO 939 (1997)

Generally

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)
Adolfo Cruz Deguzman v. First America Bank Corporation 3 OCAHO 585 (1993)
Ahmad S. Elhajomar v. City and County of Honolulu 1 OCAHO 246 (1990)
Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Alexander T. Mikhailine v. WebSci Technologies, Inc. 8 OCAHO 1033 (1999)
Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)
Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)
Bassey J. Udofot v. General Electric Company, Astro-Space Division 1 OCAHO 205 (1990)
Bassey J. Udofot v. Kaman Sciences Corporation 1 OCAHO 208 (1990)
Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 526 (1993)
Boris Gerardo Salazar-Castro v. Cincinnati Public Schools 3 OCAHO 406 (1992)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 535 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)
Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 392 (1991)
Cristina Escalante v. California Commerce Bank 1 OCAHO 64 (1989)

Earl Russel Horne v. Town of Hampstead	6	OCAHO	884	(1996)
Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia	1	OCAHO	203	(1990)
Errol Williams v. Lucas & Associates	1	OCAHO	272	(1990)
Errol Williams v. Lucas & Associates	2	OCAHO	357	(1991)
Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche	1	OCAHO	222	(1990)
Esther Din Brooks v. Watts Window World	3	OCAHO	558	(1993)
Eusebio Huesca v. Rojas Bakery	4	OCAHO	654	(1994)
Fordjour v. General Dynamics	1	OCAHO	286	(1991)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3	OCAHO	484	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	476	(1992)
Hector Cascante v. Kayak Club	1	OCAHO	223	(1990)
Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc.	1	OCAHO	144	(1990)
Ironsi C. Ndusorouwa v. Prepared Foods, Inc.	1	OCAHO	192	(1990)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	3	OCAHO	432	(1992)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	214	(1990)
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	227	(1990)
Jesse Charles Jones v. DeWitt Nursing Home	1	OCAHO	266	(1990)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
Jimmy-Jack Jackai v. Frito-Lay, Inc. and North Texas State University Career Planning and Placement Service	1	OCAHO	188	(1990)
John C. Grodzki v. OOCL, Inc.	1	OCAHO	295	(1991)
Juan Antonio Cardona Godinez v. Armguard Security Patrol	3	OCAHO	490	(1993)
Lazaro Antonio Arrieta v. Michigan Employment Security Commission	3	OCAHO	471	(1992)
LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)
Malek Ebrahim Hatam v. Mr. Nasser Zaghi, Park General, Inc.	1	OCAHO	160	(1990)
Manuel Garcia v. Watertown Nurseries	1	OCAHO	233	(1990)
Marcelino Rivera v. Trees Now, Inc.	1	OCAHO	234	(1990)

Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	562	(1993)
Maria Guzman v. Guardian Electric Manufacturing Company	3	OCAHO	546	(1993)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott)	3	OCAHO	508	(1993)
Marian Ryba v. Temple Steel Company	1	OCAHO	289	(1991)
Michael Williamson v. Autorama, Inc.	1	OCAHO	174	(1990)
Moises Reyes v. Pilgrim Psychiatric Center	3	OCAHO	529	(1993)
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)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Sellaro v. Elektra Records	3	OCAHO	495	(1993)
Stephen Salerno v. ICL Retail Systems, Inc.	3	OCAHO	481	(1993)
Tina B. Boyd v. Amzi Sherling, DDS	6	OCAHO	916	(1997)
Troncoso v. Ferlin Service Industries	1	OCAHO	110	(1989)
United States v. ABC Roofing & Waterproofing, Inc.	2	OCAHO	391	(1991)
United States v. Auburn University	4	OCAHO	658	(1994)
United States v. Azteca Restaurant, Northgate	1	OCAHO	33	(1988)
United States v. Bayley's Quality Seafoods, Inc.	1	OCAHO	249	(1990)
United States v. Broadway Tire, Inc.	1	OCAHO	250	(1990)
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)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Farmers Insurance Group of Companies	1	OCAHO	22	(1988)
United States v. Francisco's Restaurant, Inc.	1	OCAHO	206	(1990)
United States v. Guillermo Perales d/b/a Mexican Bakery	2	OCAHO	320	(1991)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	681	(1994)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Jupiter Crab Company Restaurant	1	OCAHO	6	(1988)
United States v. Law Offices of Manulkin, Glaser & Bennett	1	OCAHO	100	(1989)

United States v. Lectro Tek Services, Inc.	1	OCAHO	172	(1990)
United States v. Leticia Cruz-Mandoza	5	OCAHO	750	(1995)
United States v. Lighthouse Restaurant	1	OCAHO	7	(1988)
United States v. Marcos Iniguez-Casillas	6	OCAHO	870	(1996)
United States v. McDonnell Douglas Corporation	2	OCAHO	351	(1991)
United States v. McDonnell Douglas Corporation	3	OCAHO	507	(1993)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	202	(1990)
United States v. Ramada Inn Old Town	1	OCAHO	103	(1989)
United States v. Redi-Cut Foods, Inc.	4	OCAHO	659	(1994)
United States v. Simon Osagie Iyawe	5	OCAHO	744	(1995)
United States v. Sizzler Restaurants International, Inc.	2	OCAHO	325	(1991)
United States v. Sparky's Waterfront Saloon, Inc.	1	OCAHO	126	(1990)
United States v. Tenampa Ballroom	1	OCAHO	38	(1988)
United States v. Victor Hugo Baches-Corado	3	OCAHO	571	(1993)
United States v. Visit USA Bureau - San Francisco, Inc.	1	OCAHO	155	(1990)
Wartan Bozoghlanian v. Hughes Radar Systems Group	5	OCAHO	741	(1995)

Joint Motion

LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)

Jurisdiction

Alexander T. Mikhailine v. WebSci Technologies, Inc.	8	OCAHO	1033	(1999)
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Earl Russel Horne v. Town of Hampstead	6	OCAHO	906	(1997)
Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9	OCAHO	1085	(2002)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1083	(2002)
Lee v. AT&T	7	OCAHO	924	(1997)

Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)
Shensheng Zhao v. Sacot, Inc. and/or Grand CMS Company, Ltd. 6 OCAHO 850 (1996)
National Origin Discrimination

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

Alexander T. Mikhailine v. WebSci Technologies, Inc. 8 OCAHO 1033 (1999)
Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership 11 OCAHO 1254 (2015)
Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc. 7 OCAHO 943 (1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Martin A. Holguin v. Dona Ana Fashions 3 OCAHO 582 (1993)
Michael K. Wockenfuss v. Bureau of Prisons 5 OCAHO 767 (1995)
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)
Persons Protected

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)
Respondent

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

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

Settlement

Azia Aityahia v. Sabena Airline Training Center, Inc.	9	OCAHO	1122	(2006)
LeEdwards v. Kumagai International USA Corporation	4	OCAHO	609	(1994)
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. Torres Mexican Food, Inc.	4	OCAHO	596	(1994)
United States v. Turner's Japanese Auto Repair	8	OCAHO	1009	(1998)

Subject Matter Jurisdiction

Christopher Winkler v. West Capital Financial Services	7	OCAHO	928	(1997)
Costigan v. NYNEX	6	OCAHO	918	(1997)
Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc.	7	OCAHO	943	(1997)
Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Hutchinson v. GTE Data Services	7	OCAHO	954	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
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)
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc.	6	OCAHO	923	(1997)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Massala Prince Reffell v. Prairie View A&M University	9	OCAHO	1057	(2000)
Ronald C. Wilson v. Harrisburg School District	6	OCAHO	919	(1997)
United States v. American Airlines	8	OCAHO	1044	(2000)
Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al	8	OCAHO	1054	(2000)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center	12	OCAHO	1279	(2016)
Werline v. Public Service Electric & Gas Company	7	OCAHO	935	(1997)
Summary Decision				
Benjamin Barone v. Superior Washer and Gasket Corp.	10	OCAHO	1176	(2013)
Chao v. McDonnell Douglas Corporation	6	OCAHO	824	(1995)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1110	(2004)
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)
Jose R. Lima v. New York City Department of Education	10	OCAHO	1128	(2009)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6	OCAHO	882	(1996)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	861	(1996)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	879	(1996)
Treated as Motion for Summary Decision				
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Tax Protester				
Christopher Winkler v. West Capital Financial Services	7	OCAHO	928	(1997)
Hollingsworth v. Applied Research Associates	7	OCAHO	942	(1997)
Hutchinson v. GTE Data Services	7	OCAHO	954	(1997)
Jay S. Manning v. The City of Jacksonville	7	OCAHO	956	(1997)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Timeliness				
Joseph E. Sabol v. Northern Michigan University	9	OCAHO	1107	(2004)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)

United States v. Performance Printing Corporation 5 OCAHO 779 (1995)

Treated as Motion for Summary Decision Where Evidence Outside Pleadings is Considered

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

Untimely Filing

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Ernestina C. Lopez v. James Jung, Hallmark Cleaners 10 OCAHO 1171 (2013)

Galdino Casillas Garcia v. McCarron Electric Company 5 OCAHO 747 (1995)

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Joan A. Lardy v. United Airlines, Inc. 6 OCAHO 843 (1996)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

Julian Sahagun v. Bend-Pack, Inc. 5 OCAHO 809 (1995)

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

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)

Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)

Sall v. Wal-Mart Stores, Inc. 10 OCAHO 1161 (2012)

Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)

With Prejudice

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)

Linda S. Walker v. United Airlines, Inc. 6 OCAHO 856 (1996)

Tulin E. Mangir v. TRW, Inc. 4 OCAHO 672 (1994)

United States v. Auburn University 4 OCAHO 658 (1994)

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

Without Prejudice

Abdul Hamid Kadir v. Regal Dental Ceramics	4 OCAHO	598	(1994)
LeEdwards v. Kumagai International USA Corporation	4 OCAHO	609	(1994)
Tulin E. Mangir v. TRW, Inc.	4 OCAHO	672	(1994)
DOCUMENT ABUSE			
Back Pay			
United States v. Acosta, Inc. d/b/a McDonald's	7 OCAHO	961	(1997)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	4 OCAHO	636	(1994)
Citizenship Status			
Elodia Guzman v. Yakima Fruit & Cold Storage	9 OCAHO	1066	(2001)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare	11 OCAHO	1227	(2014)
Citizenship Status Discrimination			
Celia Simon v. Ingram Micro, Inc.	9 OCAHO	1088	(2003)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
Civil Money Penalty			
United States v. The Beverly Center	5 OCAHO	762	(1995)
Discrimination			
Michael K. Lee v. Airtouch Communications	6 OCAHO	901	(1996)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
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. Robison Fruit Ranch, Inc.	6 OCAHO	855	(1996)

United States v. Swift & Co. 9 OCAHO 1068 (2001)

Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Documents

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

Acceptable

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Genuineness of Appearance

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United States v. IBP, Inc. 7 OCAHO 900 (1997)

Employer's Refusal to Accept Promise of Document In Lieu of Actual Document is not Document Abuse

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

Failure to State a Claim

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)

Costigan v. NYNEX 6 OCAHO 918 (1997)

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

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

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

James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)

Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 938 (1997)

Lee v. AT&T 7 OCAHO 924 (1997)

Lonnie W. Hogenmiller v. Lincare, Inc. 7 OCAHO 953 (1997)

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

Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)

Olisaemeka Eze v. West County Transportation Agency 10 OCAHO 1140 (2011)

Rael A. Odongo v. Crossmark, Inc.	11	OCAHO	1236	(2014)
Richard F. Lareau v. US Airways, Inc.	7	OCAHO	932	(1997)
Robert S. Mathews v. Goodyear Tire & Rubber Company	7	OCAHO	929	(1997)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
United States v. Hyatt Regency Lake Tahoe	6	OCAHO	861	(1996)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1040	(2000)
United States v. Swift & Co.	9	OCAHO	1068	(2001)

Form I-9

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

Generally

Celia Simon v. Ingram Micro, Inc.	9	OCAHO	1088	(2003)
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)
James D. Westendorf v. Brown & Root, Inc.	3	OCAHO	477	(1992)
Michael K. Lee v. Airtouch Communications	6	OCAHO	888	(1996)
United States v. A.J. Bart, Inc.	3	OCAHO	538	(1993)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Guardsmark	3	OCAHO	572	(1993)
United States v. IBP, Inc.	7	OCAHO	900	(1997)
United States v. Mar-Jac Poultry, Inc.	10	OCAHO	1148	(2012)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. Swift & Co.	9	OCAHO	1068	(2001)
United States v. Zabala Vineyards	6	OCAHO	830	(1995)

Illegal Immigration Reform and Immigrant Responsibility Act of 1996

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

Intent Requirement

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Intent to Discriminate

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

Jurisdiction

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

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

Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 6 OCAHO 923 (1997)

Lee v. AT&T 7 OCAHO 924 (1997)

Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

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

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

National Origin

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

Persons Protected

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

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 6 OCAHO 880 (1996)

Prima Facie Case

Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership	11	OCAHO	1254	(2015)
Carlos Alberto Martinez v. Noah's New York Bagels, Inc.	6	OCAHO	917	(1997)
Celia Simon v. Ingram Micro, Inc.	9	OCAHO	1088	(2003)
Elodia Guzman v. Yakima Fruit & Cold Storage	9	OCAHO	1066	(2001)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Travis John Guth v. Kaiser Permanente Hawaii	10	OCAHO	1190	(2013)

Tax Protester

Bunn v. USX/US Steel	7	OCAHO	985	(1998)
Christopher Winkler v. Timlin Corporation	6	OCAHO	912	(1997)
Christopher Winkler v. West Capital Financial Services	7	OCAHO	928	(1997)
Costigan v. NYNEX	6	OCAHO	918	(1997)
Earl Russel Horne v. Town of Hampstead	6	OCAHO	906	(1997)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
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)
Jay S. Manning v. The City of Jacksonville	7	OCAHO	956	(1997)
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc.	6	OCAHO	923	(1997)
Lee v. AT&T	7	OCAHO	924	(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)
Ronald C. Wilson v. Harrisburg School District	6	OCAHO	919	(1997)

DOCUMENT FRAUD

Deportation

United States v. Kaday Musu Thoronka 5 OCAHO 725 (1995)
United States v. Orlando Diaz-Rosas 4 OCAHO 702 (1994)
United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)
Fine

United States v. Maria Sourovova 8 OCAHO 1020 (1998)
United States v. Orlando Diaz-Rosas 4 OCAHO 702 (1994)
Form I-9

United States v. David Segura-Sataray 4 OCAHO 703 (1994)
United States v. Maria Teresa De Jesus Morales-Martinez 5 OCAHO 727 (1995)
United States v. Mourad Abu Remileh 5 OCAHO 724 (1995)
United States v. Simon Osagie Iyawe 5 OCAHO 744 (1995)
Generally

United States v. Armando Alvarez-Suarez 6 OCAHO 862 (1996)
United States v. Budiman Napitupulu 7 OCAHO 96 (1997)
United States v. Javier Morales-Vargas a/k/a Daniel Avasolos-Velasqez 5 OCAHO 732 (1995)
United States v. Kaday Musu Thoronka 5 OCAHO 725 (1995)
United States v. Marisol Chavez-Ramirez 5 OCAHO 774 (1995)
United States v. Mireya Pedraza-Guzman 5 OCAHO 792 (1995)
United States v. Monica Zapata-Cosio 5 OCAHO 822 (1995)
United States v. Pedro Dominguez 7 OCAHO 972 (1997)
United States v. Pedro Dominguez 8 OCAHO 1000 (1998)
United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)
United States v. Roberto C. Davila 7 OCAHO 936 (1997)
Knowledge

United States v. Budiman Napitupulu 7 OCAHO 96 (1997)

United States v. Felipe De Leon-Valenzuela 8 OCAHO 1004 (1998)

United States v. Maria Sourovova 7 OCAHO 987 (1998)

Summary Decision

Knowledge

United States v. Felipe De Leon-Valenzuela 7 OCAHO 993 (1998)

DOCUMENTS

Acceptable

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

Form I-94

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

Generally

United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 358 (1991)

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

United States v. Chums Corporation 6 OCAHO 842 (1996)

United States v. Gloria Fashions, Inc. 6 OCAHO 839 (1996)

United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)

United States v. SDI Industries, Inc. 3 OCAHO 465 (1992)

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)

Privilege Claim

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

United States v. Ramada Inn Old Town 1 OCAHO 103 (1989)

United States v. Ramada Inn Old Town 1 OCAHO 105 (1989)

United States v. SDI Industries, Inc. 3 OCAHO 465 (1992)

DOUBLE JEOPARDY

Defense(s)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Generally

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

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

Penalties

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

DUTY

Employee

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

Employer(s)

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

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

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

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

United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)

Form I-9

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

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

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

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

United States v. R&M Fashion, Inc. 6 OCAHO 826 (1995)

Employers Do Not Have to Complete I-9s for Employees Hired Prior to the Effective Date of IRCA

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

Form I-9

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

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 886 (1996)

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

Generally

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

United States v. Wood 'N Stuff 3 OCAHO 574 (1993)

EDUCATION

Generally

United States v. Bayley's Quality Seafoods, Inc. 1 OCAHO 238 (1990)

Mitigation

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

EIGHTH AMENDMENT

Civil Money Penalty

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)

Defense(s)

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

ELECTRONIC EMPLOYMENT ELIGIBILITY VERIFICATION

Participation in E-Verify Doesn't Exempt Employer From Completing, Retaining and Producing I-9s

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)

EMPLOYEES

Defined As Persons Who Provide Services or Labor for Wages or Other Remuneration

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Definition

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)

Employee Defined as Individual Who Provides Services or Labor for an Employer for Wages or Other Remuneration

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1228 (2014)

Function of Individual Within Entity is Determinative of Employee Status

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

Generally

Lydia Annella Anderson v. Newark Public Schools 8 OCAHO 1035 (1999)
Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)
Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. Hudson Delivery Service, Inc. d/b/a Home Delivery Service 7 OCAHO 945 (1997)

Grandfathered

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)
United States v. Anodizing Industries, Inc. 10 OCAHO 1184 (2013)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)
United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1195 (2013)

Independent Contractor Determination Looks to Regulation, OCAHO Cases and Federal Agency Law

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)

Independent Contractor(s)

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)
Victor B. Palma v. Alufase USA, LLC 10 OCAHO 1213 (2014)

Individual Not an Employee Where There Is a Showing of Ownership and Control Over the Enterprise

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

Loss of Grandfathered Status

United States v. Anodizing Industries, Inc. 10 OCAHO 1184 (2013)

Mere Name on List or I-9 Without Proof of Remuneration Insufficient to Prove Employment

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

Must Look At Indivudual's Level of Control Within Entity to Determine Whether Employee

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

National Origin

Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)

National Origin Claim(s)

Cormia v. Home Care Giver Services 10 OCAHO 1160 (2012)

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

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

Neither Form of Entity Nor Individual's Title is Determinative of Employee Status

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

Owner/Partner Not an Employee Where There is a Showing of Ownership and Control Over the Enterprise

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

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

Three Level Inquiry to Determinine Whether Individual Is An Independent Contractor Or An Employee

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)

Work Authorization

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 6 OCAHO 880 (1996)

EMPLOYER PRACTICES

Burden of Proof

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

Compliance with Employer Sanctions

United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
United States v. Robison Fruit Ranch, Inc.	6 OCAHO	855	(1996)
United States v. Walden Station, Inc.	8 OCAHO	1053	(2000)
Wisniewski v. Douglas County School System	1 OCAHO	29	(1988)

Continuing Violation(s)

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2 OCAHO	348	(1991)
Jorge Mario Ipina v. Michigan Jobs Commission	8 OCAHO	1036	(1999)
Linda S. Walker v. United Airlines, Inc.	4 OCAHO	686	(1994)
United States v. Curran Engineering Company, Inc.	7 OCAHO	975	(1997)
United States v. Fairfield Jersey, Inc.	9 OCAHO	1069	(2001)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Southwest Marine Corporation, a California Corporation	2 OCAHO	400	(1989)
United States v. Southwest Marine Corporation, a California Corporation	3 OCAHO	429	(1992)
United States v. Weld County School District	2 OCAHO	326	(1991)

Discharge

Cecilia Araceli Basua v. Walmart #1554	3 OCAHO	535	(1993)
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)
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4 OCAHO	612	(1994)
Esther Din Brooks v. Watts Window World	3 OCAHO	558	(1993)
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595	(1994)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9 OCAHO	1081	(2002)
Martin A. Holguin v. Dona Ana Fashions	3 OCAHO	582	(1993)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1 OCAHO	25	(1988)

Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense	4	OCAHO	600	(1994)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Discrimination				
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
United States v. Shirley Fuimoto, Hawaii Government Employees Association	7	OCAHO	937	(1997)
Citizenship Status				
Corneliu Curuta v. Tomball College	9	OCAHO	1099	(2003)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Jorge Mario Ipina v. Michigan Jobs Commission	8	OCAHO	1036	(1999)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Olisaemeka Eze v. West County Transportation Agency	10	OCAHO	1140	(2011)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
Evidence				
Corneliu Curuta v. Tomball College	9	OCAHO	1099	(2003)
Daniel Joseph Bendig v. Conoco, Inc.	9	OCAHO	1077	(2001)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Luigia Wiesner v. CIT Tours, Inc.	5	OCAHO	773	(1995)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Guardsmark	4	OCAHO	614	(1994)
Document Abuse				

Carlos Alberto Martinez v. Noah's New York Bagels, Inc.	6 OCAHO	917	(1997)
Christopher Winkler v. Timlin Corporation	6 OCAHO	912	(1997)
Costigan v. NYNEX	6 OCAHO	918	(1997)
Earl Russel Horne v. Town of Hampstead	6 OCAHO	906	(1997)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
Maria Fuentes v. Grace Culinary Systems	6 OCAHO	873	(1996)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5 OCAHO	748	(1995)
United States v. The Beverly Center	5 OCAHO	762	(1995)
United States v. Zabala Vineyards	6 OCAHO	830	(1995)
Documents			
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
Knowledge of Required			
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)
Production			
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4 OCAHO	612	(1994)
Fordjour v. General Dynamics	1 OCAHO	286	(1991)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
James D. Westendorf v. Brown & Root, Inc.	3 OCAHO	477	(1992)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Michael K. Lee v. Airtouch Communications	6 OCAHO	888	(1996)
Omar Egal v. Sears Roebuck & Company	3 OCAHO	442	(1992)
Stephen A. Lewis v. McDonald's Corporation	2 OCAHO	383	(1991)
United States v. A.J. Bart, Inc.	3 OCAHO	538	(1993)

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. Robison Fruit Ranch, Inc.	6 OCAHO	855	(1996)
United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation	3 OCAHO	413	(1992)
United States v. Weld County School District	2 OCAHO	326	(1991)
United States v. Zabala Vineyards	6 OCAHO	830	(1995)
Generally			
Earl Russel Horne v. Town of Hampstead	6 OCAHO	906	(1997)
Frederick John Harris v. State of Hawaii, Department of Education	6 OCAHO	922	(1997)
United States v. The Beverly Center	5 OCAHO	762	(1995)
Hire/Hiring			
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3 OCAHO	550	(1993)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Esther Din Brooks v. Watts Window World	3 OCAHO	558	(1993)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9 OCAHO	1127	(2007)
Juan Manuel Alamprese v. MNSH, Inc.	9 OCAHO	1094	(2003)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	661	(1994)
Nripendra S. Dhillon v. Regents of the University of California	3 OCAHO	497	(1993)
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)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)
Knowledge of Employer			
United States v. Aid Maintenance Company, Inc.	7 OCAHO	951	(1997)

U.S. Citizen-Only Policy
United States v. Mesa Airlines 1 OCAHO 74 (1989)
Knowledge

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Pattern or Practice

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)
Prescreening

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)
Reduction in Force

Daniel Bendig v. Conoco, Inc. 9 OCAHO 1065 (2001)
Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)
Retaliation
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1110 (2004)
Retaliation

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 535 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)
Drahomira Adame v. Dunkin Donuts 4 OCAHO 691 (1994)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)
Gurpreet Sodhi v. Maricopa Medical Center 10 OCAHO 1124 (2008)
Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)
Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)
Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 562 (1993)
Martin John Shortt v. Dick Clark's American Bandstand Grill 10 OCAHO 1130 (2009)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)
United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)
United States v. Southwest Marine Corporation, a California Corporation 3 OCAHO 429 (1992)
Summary Decision
Knowledge of Employer
United States v. Haim Co., Inc. 7 OCAHO 988 (1998)
EMPLOYER PRACTICES/REDUCTION IN FORCE

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1100 (2003)
EMPLOYER(S)
Burden of Proof

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)
Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend 6 OCAHO 891 (1996)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 5 OCAHO 778 (1995)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Definition

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)

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

Duty

United States v. R&M Fashion, Inc. 6 OCAHO 826 (1995)

Generally

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

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

United States v. General Dynamics 3 OCAHO 517 (1993)

Independent Contractor(s)

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

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

Individual Capacity

Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al 9 OCAHO 1074 (2001)

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

Knowledge

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

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

Responsibility

Juan Manuel Alamprese v. MNSH, Inc.	9 OCAHO	1094	(2003)
United States v. Robison Fruit Ranch, Inc.	6 OCAHO	855	(1996)
United States v. The Beverly Center	5 OCAHO	762	(1995)
Successorship Liability			
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595	(1994)
United States v. Jonel, Inc.	7 OCAHO	967	(1997)
United States v. Spring & Soon Fashion, Inc.	7 OCAHO	982	(1997)
Union(s)			
Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation	1 OCAHO	107	(1989)
EMPLOYMENT			
Authorization			
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1075	(2001)
Juan Manuel Alamprese v. MNSH, Inc.	9 OCAHO	1094	(2003)
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)
United States v. Monica Zapata-Cosio	5 OCAHO	822	(1995)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)
Continue to Employ			
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1 OCAHO	151	(1990)
United States v. Cafe Camino Real, Inc.	2 OCAHO	307	(1991)
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	123	(1990)

United States v. Giamblis Enterprises 6 OCAHO 834 (1996)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Ketchikan Drywall Services, Inc. 10 OCAHO 1139 (2011)
United States v. Mester Manufacturing Company 1 OCAHO 18 (1988)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners 3 OCAHO 518 (1993)
United States v. New El Rey Sausage Company 1 OCAHO 66 (1989)
United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 396 (1991)
United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 337 (1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)
United States v. Saeed Rahimzadeh Corporation 3 OCAHO 551 (1993)
United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)
United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 198 (1990)

Definition

United States v. Cafe Camino Real, Inc. 2 OCAHO 307 (1991)
United States v. David Jenkins 4 OCAHO 649 (1994)
United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)
United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant 3 OCAHO 412 (1993)

Discrimination

Mid-Atlantic Regional Organizing Coalition v. Heritage Landscaping Services, LLC 10 OCAHO 1134 (2010)

Duty

United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners 3 OCAHO 518 (1993)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)

Employee

Borrowed Employees

United States v. Maka's Akamai Service 1 OCAHO 36 (1988)

Definition

United States v. Charo's Corporation d/b/a Charo's Restaurant 2 OCAHO 369 (1991)

United States v. Jennifer Dittman d/b/a Ready Room Restaurant 1 OCAHO 195 (1990)

Duty

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

Form I-9

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

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

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

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

Grandfathered Employees

Johnson v. Florida Power Corporation 7 OCAHO 981 (1997)

United States v. Christie Automotive Products 2 OCAHO 361 (1991)

United States v. Doug Eier d/b/a Blue Mountain Recreation and Cyclery 1 OCAHO 256 (1990)

United States v. Goldenfield Corporation d/b/a Rodeway Inn 2 OCAHO 321 (1991)

United States v. Halshan, Inc. d/b/a California Pacific 1 OCAHO 278 (1990)

United States v. Hilario Rodriguez, Jr. 1 OCAHO 276 (1990)

United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor 1 OCAHO 218 (1990)

United States v. Maka's Akamai Service 1 OCAHO 36 (1988)

United States v. Mario Saikhon, Inc. 1 OCAHO 279 (1990)

Employer(s)

Apparent or Implied Authority

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

United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 198 (1990)

Definition

United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)

United States v. Guillermo Perales d/b/a Mexican Bakery	2 OCAHO	320	(1991)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1 OCAHO	195	(1990)
United States v. Richard Bakovic	3 OCAHO	482	(1991)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1 OCAHO	91	(1989)
United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben	1 OCAHO	138	(1990)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	3 OCAHO	409	(1992)
Duty			
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1 OCAHO	200	(1990)
United States v. Big Bear Market	1 OCAHO	48	(1989)
United States v. Boo Bears Den	1 OCAHO	71	(1989)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1 OCAHO	151	(1990)
United States v. Burns and Intra-Continental Enterprises	5 OCAHO	768	(1995)
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	886	(1996)
United States v. David Jenkins	4 OCAHO	649	(1994)
United States v. Davis Nursery, Inc.	4 OCAHO	694	(1994)
United States v. Dubois Farms, Inc.	1 OCAHO	242	(1990)
United States v. El Paso Hospitality, Inc.	5 OCAHO	737	(1995)
United States v. Enrique Reyes d/b/a King's Produce	4 OCAHO	592	(1994)
United States v. Giamblis Enterprises	5 OCAHO	817	(1995)
United States v. Giannini Landscaping, Inc.	3 OCAHO	573	(1993)
United States v. GRS, Inc. d/b/a Gasket Engineering	4 OCAHO	627	(1994)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4 OCAHO	670	(1994)
United States v. Karnival Fashion, Inc.	5 OCAHO	769	(1995)
United States v. Land Coast Insulation, Inc.	2 OCAHO	379	(1991)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1 OCAHO	130	(1989)
United States v. Manuel Orozco-Minjares	4 OCAHO	606	(1994)

United States v. Mester Manufacturing Company	1 OCAHO	18	(1988)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1 OCAHO	154	(1990)
United States v. New El Rey Sausage Company	1 OCAHO	78	(1989)
United States v. Noel Plastering & Stucco, Inc.	2 OCAHO	377	(1991)
United States v. Oscar Chacon, Sr.	3 OCAHO	578	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2 OCAHO	354	(1991)
United States v. Vogue Pleating, Stitching & Embroidery Corporation	5 OCAHO	782	(1995)
United States v. Wood 'N Stuff	3 OCAHO	574	(1993)
Duty of Reverification			
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash	1 OCAHO	151	(1990)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4 OCAHO	608	(1994)
United States v. Noel Plastering & Stucco, Inc.	2 OCAHO	377	(1991)
United States v. Noel Plastering & Stucco, Inc.	3 OCAHO	427	(1992)
Generally			
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1 OCAHO	91	(1989)
United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben	1 OCAHO	138	(1990)
Independent Contractors			
United States v. ABC Roofing & Waterproofing, Inc.	2 OCAHO	358	(1991)
Knowledge of Employer			
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1075	(2001)
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5 OCAHO	794	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4 OCAHO	608	(1994)
United States v. Oscar Chacon, Sr.	3 OCAHO	578	(1993)
Evidence			

Cormia v. Home Care Giver Services	10	OCAHO	1160	(2012)
Mid-Atlantic Regional Organizing Coalition v. Heritage Landscaping Services, LLC	10	OCAHO	1134	(2010)
Generally				
United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Mr. Z Enterprise	1	OCAHO	288	(1991)
United States v. Power Operating Company	3	OCAHO	580	(1993)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
Grandfathered Employees				
United States v. The Red Coach Restaurant, Inc.	10	OCAHO	1195	(2013)
Independent Contractor(s)				
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. Mr. Z Enterprise	1	OCAHO	288	(1991)
United States v. Power Operating Company	3	OCAHO	580	(1993)
United States v. Richard Bakovic	3	OCAHO	482	(1991)
United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services	11	OCAHO	1257	(2015)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1	OCAHO	91	(1989)
United States v. U.S. Style, Inc.	5	OCAHO	793	(1995)
Victor B. Palma v. Alufase USA, LLC	10	OCAHO	1213	(2014)
Knowledge				
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)

United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Number of Hours an Employee Worked Not Determinative of Duration of Employment

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
Seasonal Agricultural Workers

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. Hilario Rodriguez, Jr. 1 OCAHO 276 (1990)
United States v. Ralph Sanchez, Labor Contractor 1 OCAHO 58 (1989)
EMPLOYMENT AUTHORIZATION
Documents

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1075 (2001)
Michael K. Lee v. Airtouch Communications 6 OCAHO 888 (1996)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)
Generally

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Juan Manuel Alamprese v. MNSH, Inc. 9 OCAHO 1094 (2003)
Luigia Wiesner v. CIT Tours, Inc. 5 OCAHO 773 (1995)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)
EQUAL ACCESS TO JUSTICE ACT
Generally

Charo's Corporation d/b/a Charo's Restaurant v. United States 5 OCAHO 761 (1995)
Charo's Corporation d/b/a Charo's Restaurant v. United States 7 OCAHO 980 (1997)
Mester Manufacturing Company v. United States 1 OCAHO 44 (1989)
United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 382 (1991)
United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 391 (1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 401 (1992)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 402 (1992)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)
United States v. G.L.C. Restaurant d/b/a Capriccio Restaurant 3 OCAHO 439 (1992)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 1 OCAHO 216 (1990)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 1 OCAHO 270 (1990)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 2 OCAHO 389 (1991)
United States v. Mourad Abu Remileh 6 OCAHO 864 (1996)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 308 (1991)

Prevailing Party

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

Reasonableness Standard

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

Substantial Justification

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

EQUITABLE TOLLING

180-Day Period

Ephrain Manuel Berlanga v. Butterball Company 4 OCAHO 669 (1994)

Galdino Casillas Garcia v. McCarron Electric Company 5 OCAHO 747 (1995)
Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 695 (1994)

5/10 Year Rule

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. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Available in Extraordinary Circumstances Beyond Party's Control That Prevented Timely Filing

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Available Where Party Prevented From Filing By Wrongful Conduct of Opponent

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

Charge

Ephrain Manuel Berlanga v. Butterball Company 4 OCAHO 669 (1994)
Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 838 (1996)
United States v. Auburn University 4 OCAHO 602 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 695 (1994)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Complaint

Alexander T. Mikhailine v. WebSci Technologies, Inc. 8 OCAHO 1033 (1999)
Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Complaint Filing Period

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)

Equitable Estoppel

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Equitable Tolling Does Not Extend to Garden Variety Claim of Excusable Neglect

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

Equitable Tolling is Rare Remedy Available Only Where Requesting Party Exercised Due Diligence

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Filing of EEOC Charge Does Not Toll Limitations Period for Filing of OSC Charge

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

Generally

Alexander T. Mikhailine v. WebSci Technologies, Inc. 8 OCAHO 1033 (1999)

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)

Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc. 3 OCAHO 548 (1993)

Emil Anis Halim v. Accu-Labs Research, Inc. 3 OCAHO 474 (1992)

Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche 1 OCAHO 258 (1990)

John C. Grodzki v. OOCL, Inc. 1 OCAHO 295 (1991)

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

Jose N. Hernandez v. City of Santa Ana 4 OCAHO 674 (1994)

Juan J. Salcido v. New-Way Pork Company 3 OCAHO 425 (1992)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Michael K. Wockenfuss v. Bureau of Prisons 5 OCAHO 767 (1995)

Moises Reyes v. Pilgrim Psychiatric Center 3 OCAHO 529 (1993)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

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

United States v. Weld County School District 2 OCAHO 326 (1991)

Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1037 (1999)

Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)

May Be Available Where Party Prevented From Timely Filing by Circumstances Beyond Party's Control

United States v. Vilardo Vineyards 11 OCAHO 1248 (2015)

Memorandum of Understanding (MOU)

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Auburn University 4 OCAHO 617 (1994)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

Notification

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
Sara Caspi v. William J. Hoffman and Trigild Corporation 7 OCAHO 991 (1998)
United States v. Auburn University 4 OCAHO 617 (1994)

Pro Se

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)
Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)
Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 374 (1991)
Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc. 3 OCAHO 548 (1993)
Emil Anis Halim v. Accu-Labs Research, Inc. 3 OCAHO 474 (1992)
John C. Grodzki v. OOCL, Inc. 1 OCAHO 243 (1990)
John C. Grodzki v. OOCL, Inc. 1 OCAHO 295 (1991)
Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
Juan J. Salcido v. New-Way Pork Company 3 OCAHO 425 (1992)

Requires Showing of Extraordinary Circumstances

Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)

Time Computation(s)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)
Unfair Employment Practice Actionable only if OSC Charge Filed Within 180 Days of the Event

Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)
Where Employer Resists Producing Information to Office of Special Counsel

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
ESTOPPEL
Collateral

Chester A. Mackentire, Jr. v. Ricoh Corporation, et al. 5 OCAHO 746 (1995)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Power Operating Company 3 OCAHO 580 (1993)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Equitable

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 670 (1994)
Estoppel Against the Government Not Created Merely by Silence or Delay

United States v. Hartmann Studios, Inc. 11 OCAHO 1255 (2015)
Estoppel Must at a Minimum Be Premised Upon Some Affirmative Government Misconduct

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

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1047 (2000)

Hernandez v. Farley Candy Company 5 OCAHO 765 (1995)

In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)

Government Is Virtually Impervious to Claims of Equitable Estoppel

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

Government May Not Be Estopped on the Same Terms as Other Litigants

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

Judicial

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

ETHICAL CONDUCT

Applicable State Bar and ABA Model Rules Provide Guidance on Ethical Issues in OCAHO Proceedings

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

Ethics Rules Require Counsel to Cite to Known Authority Contrary to Client's Position

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

Failure to Provide Adequate Legal Support of Claims Renders a Pleading Deficient

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

Generally

United States v. McDonnell Douglas Corporation 2 OCAHO 351 (1991)

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1079 (2002)

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

Lawyers Are Officers of the Court and Have an Ethical Duty to Be Candid With the Court

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
Plagiarism Violates Counsel's Duty to Act With Integrity and With Candor to the Court

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
Pleading and Argument Contrary to All Relevant Authority Show Lack of Candor With the Court

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
Standards of Conduct in OCAHO Rules are General Goals, Not Specific Standards of Conduct

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
Verbatim Copying of Text Without Attribution is Plagarism and Misrepresentation to the Court

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
When Ethical Issues Arise in OCAHO Proceedings, Applicable State Bar Rules Provide Guidance

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

E-VERIFY

Federal Contractors

Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)
Participation in E-Verify Doesn't Exempt Employer From Completing, Retaining and Producing I-9s

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

EVIDENCE

Admissibility

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

Affidavit(s)

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)
Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)
Daniel Joseph Bendig v. Conoco, Inc. 9 OCAHO 1077 (2001)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)
United States v. Dolly Boman Irani 6 OCAHO 860 (1996)
United States v. Esther Flores-Martinez 5 OCAHO 733 (1995)
United States v. Fortune East Fashion, Inc. 7 OCAHO 977 (1997)
United States v. Leonor Yolanda Ortiz 6 OCAHO 863 (1996)
United States v. March Construction, Inc. 10 OCAHO 1158 (2012)
United States v. Nicolas Tinoco-Medina 6 OCAHO 890 (1996)
Hearsay
Martha Diaz v. Pacific Maritime Association 9 OCAHO 1108 (2004)
After Government Meets Burden of Proof, Respondent Must Introduce Evidence to Rebut
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
ALJ Must Accept As True Unrebutted Facts Established By Documentary Evidence or Affidavit
United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
Asserting Party Bears Burden of Establishing Privilege
United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)
Authentication
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)
United States v. Israel Velasquez-Tabir 6 OCAHO 914 (1997)
United States v. Julio Carpio-Lingan 6 OCAHO 914 (1997)
Awareness of Citizenship Status

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

Burden of Production May Shift to Respondent to Controvert Government's Evidence

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

Burden of Proof

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)

Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 526 (1993)

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

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 460 (1992)

Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle 3 OCAHO 550 (1993)

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)

Elizabeth Klimas v. Department of Treasury 3 OCAHO 419 (1992)

Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)

Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc. 1 OCAHO 144 (1990)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

Jack Huang v. Queens Motel 2 OCAHO 364 (1991)

Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)

John R. Alvarez v. Interstate Highway Construction 3 OCAHO 430 (1992)

Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 386 (1991)

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 4 OCAHO 626 (1994)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend	6	OCAHO	891	(1996)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Marian Ryba v. Temple Steel Company	1	OCAHO	289	(1991)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Mr. Doron Tal v. M. L. Energia, Inc.	3	OCAHO	519	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	705	(1994)
Natasha Dionne Humphries v. PalmOne	9	OCAHO	1112	(2004)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1	OCAHO	25	(1988)
Olegario Munoz v. Pastel Furniture Manufacturing Company	3	OCAHO	457	(1992)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Rafael Prieto v. News World Communications, Inc.	1	OCAHO	177	(1990)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
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)
Stephen Salerno v. ICL Retail Systems, Inc.	3	OCAHO	481	(1993)
United States v. A.J. Bart, Inc.	3	OCAHO	538	(1993)
United States v. Alvand, Inc. d/b/a 410 Diner	2	OCAHO	352	(1991)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	877	(1996)
United States v. A-Plus Roofing, Inc.	1	OCAHO	209	(1990)
United States v. Auburn University	4	OCAHO	662	(1994)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	200	(1990)
United States v. Cafe Camino Real, Inc.	2	OCAHO	307	(1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	369	(1991)
United States v. Christie Automotive Products	2	OCAHO	361	(1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. David Ley Salido d/b/a David Ley Salido Rockwall Subcontractor	1	OCAHO	81	(1989)
United States v. Diversified Technology and Services of Virginia, Inc.	9	OCAHO	1095	(2003)
United States v. Dubois Farms, Inc.	2	OCAHO	376	(1991)

United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. H&H Saguaro Specialists	10	OCAHO	1144	(2012)
United States v. John Gasper, Individually and d/b/a John Gasper Labor Contractor	1	OCAHO	218	(1990)
United States v. Juan V. Acevedo	1	OCAHO	95	(1989)
United States v. Leonor Yolanda Ortiz	6	OCAHO	889	(1996)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1	OCAHO	130	(1989)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. March Construction, Inc.	10	OCAHO	1158	(2012)
United States v. Mesa Airlines	1	OCAHO	74	(1989)
United States v. New El Rey Sausage Company	1	OCAHO	66	(1989)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Robert Marnul d/b/a Lamont Street Grill	3	OCAHO	441	(1992)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
United States v. San Diego Semiconductors, Inc.	2	OCAHO	314	(1991)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	3	OCAHO	407	(1992)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1	OCAHO	91	(1989)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1	OCAHO	104	(1989)
United States v. Stanford Sign and Awning, Inc.	10	OCAHO	1145	(2012)
United States v. The Beverly Center	5	OCAHO	762	(1995)
United States v. Weld County School District	2	OCAHO	326	(1991)
United States v. Weymoor Investments, Limited	1	OCAHO	56	(1989)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4	OCAHO	660	(1994)
Wisniewski v. Douglas County School System	1	OCAHO	29	(1988)

Citizenship Status

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

Credibility

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

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

United States v. Felipe De Leon-Valenzuela 8 OCAHO 1004 (1998)

Data Not Shown to Expert or Used to Prove Case Is Not Relevant Evidence

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Direct Evidence

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

Olisaemeka Eze v. West County Transportation Agency 10 OCAHO 1140 (2011)

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

Disparate Treatment

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)

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)

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)

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)

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

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

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

Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales 3 OCAHO 458 (1992)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Document Abuse

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

Employer's Failure to Maintain Required Records Justifies Inference Supporting Complainant's Case

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

Equitable Tolling

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Exhibits

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

Factual Allegations Made Only in a Brief or Memorandum Are Not Evidence

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

Generally

Anna J. Flores v. Daniel Dry Cleaners 4 OCAHO 693 (1994)

Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 535 (1993)

Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 549 (1993)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

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

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

Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)

Linda S. Walker v. United Airlines, Inc. 6 OCAHO 856 (1996)

Lydia Annella Anderson v. Newark Public Schools	8	OCAHO	1024	(1999)
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)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	877	(1996)
United States v. Applied Computer Technology	2	OCAHO	367	(1991)
United States v. Armando Alvarez-Suarez	4	OCAHO	699	(1994)
United States v. Armando Alvarez-Suarez	6	OCAHO	862	(1996)
United States v. Cafe Camino Real, Inc.	1	OCAHO	224	(1990)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. Dolly Boman Irani	6	OCAHO	860	(1996)
United States v. Dubois Farms, Inc.	2	OCAHO	376	(1991)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	512	(1993)
United States v. Kumar	6	OCAHO	833	(1996)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	173	(1990)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1	OCAHO	187	(1990)
United States v. Martin Palominos-Talavera	6	OCAHO	896	(1996)
United States v. R & C Tours (Guam), Inc.	2	OCAHO	393	(1989)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5	OCAHO	748	(1995)
United States v. Scandia Interiors, Inc.	1	OCAHO	271	(1990)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	245	(1990)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. Westwind Farms, Inc.	1	OCAHO	171	(1990)
United States v. Weymoor Investments, Limited	1	OCAHO	56	(1989)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Governing Standard(s)

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

United States v. Israel Velasquez-Tabir 6 OCAHO 914 (1997)

United States v. Julio Carpio-Lingan 6 OCAHO 914 (1997)

Government Must Prove Aggravating Factor by Preponderance of Evidence

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

Hearsay

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

United States v. Cafe Camino Real, Inc. 1 OCAHO 224 (1990)

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. Dubois Farms, Inc. 2 OCAHO 376 (1991)

United States v. Fortune East Fashion, Inc. 7 OCAHO 977 (1997)

United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient 3 OCAHO 512 (1993)

United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company 1 OCAHO 166 (1990)

United States v. Mohammed Noorealam 5 OCAHO 753 (1995)

United States v. Mr. Z Enterprise 1 OCAHO 288 (1991)

United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 368 (1991)

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

United States v. The Wrangler's Country Café, Inc. and Henry D. Stieben 1 OCAHO 191 (1990)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 198 (1990)

Affidavit(s)

Martha Diaz v. Pacific Maritime Association 9 OCAHO 1108 (2004)

Hearsay Permitted in OCAHO Proceedings

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

Knowledge

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

United States v. Haim Co., Inc. 7 OCAHO 988 (1998)

No Basis for Relief Where Subjective Allegations are Unsupported by Specific, Concrete Evidence

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

Party Seeking Consideration of Equitable Factor Bears Burden of Presenting Supporting Evidence

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Preponderance of the Evidence Standard

George Suchta v. United States Postal Service 2 OCAHO 327 (1991)

Irma Leticia Sosa v. United States Postal Service 1 OCAHO 115 (1989)

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

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

Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 5 OCAHO 778 (1995)

Sargon Bethishou v. Ohmite Manufacturing Company 1 OCAHO 77 (1989)

Stephen Salerno v. ICL Retail Systems, Inc. 3 OCAHO 481 (1993)

United States v. McDonnell Douglas Corporation 4 OCAHO 676 (1994)

Wisniewski v. Douglas County School System 1 OCAHO 29 (1988)

Yves Nguyen v. ADT Engineering, Inc. 3 OCAHO 489 (1993)

Prima Facie Case

Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 526 (1993)

Boris Gerardo Salazar-Castro v. Cincinnati Public Schools	3	OCAHO	406	(1992)
Carlos Alberto Martinez v. Noah's New York Bagels, Inc.	6	OCAHO	917	(1997)
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	568	(1993)
Dalila Kamal-Griffin v. Curtis, Mallet-Prevost, Colt & Mosle	3	OCAHO	550	(1993)
Dinko Sefic v. Marconi Wireless	9	OCAHO	1123	(2007)
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)
Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia	1	OCAHO	203	(1990)
Elizabeth Klimas v. Department of Treasury	3	OCAHO	419	(1992)
Errol Williams v. Lucas & Associates	2	OCAHO	357	(1991)
Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc.	1	OCAHO	144	(1990)
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)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
John R. Alvarez v. Interstate Highway Construction	3	OCAHO	430	(1992)
Jorge Mario Ipina v. Michigan Department of Labor	2	OCAHO	386	(1991)
Jorge Mario Ipina v. Michigan Jobs Commission	8	OCAHO	1036	(1999)
Jose Jasso v. Danbury Hilton & Towers	3	OCAHO	522	(1993)
Jose Ortega v. Vermont Bread	3	OCAHO	475	(1993)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	562	(1993)
Maria Fuentes v. Grace Culinary Systems	6	OCAHO	873	(1996)
Marian Ryba v. Temple Steel Company	1	OCAHO	289	(1991)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)

Natasha Dionne Humphries v. PalmOne	9 OCAHO	1112	(2004)
Nripendra S. Dhillon v. Regents of the University of California	3 OCAHO	497	(1993)
Olegario Munoz v. Pastel Furniture Manufacturing Company	3 OCAHO	457	(1992)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10 OCAHO	1135	(2010)
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)
Sellaro v. Elektra Records	3 OCAHO	495	(1993)
United States v. General Dynamics	3 OCAHO	517	(1993)
United States v. Louis Padnos Iron & Metal Co., a Corporation	3 OCAHO	414	(1992)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	3 OCAHO	407	(1992)
United States v. Weld County School District	2 OCAHO	326	(1991)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)
Burden of Demonstrating			
Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1110	(2004)
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)
Similarly Situated			
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1093	(2003)
Record(s) of Proceeding			
Anna J. Flores v. Daniel Dry Cleaners	4 OCAHO	693	(1994)
Jaime Banuelos v. Transportation Leasing Company	1 OCAHO	176	(1990)
Sufficiency			

United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)

United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)

Summary Decision

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)

Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)

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

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)

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

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)

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)

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)

Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)

Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

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

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

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

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

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

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

United States v. Walden Station, Inc. 8 OCAHO 1053 (2000)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Suppress

United States v. David Jenkins 4 OCAHO 649 (1994)
United States v. David Jenkins 5 OCAHO 743 (1995)

EX PARTE COMMUNICATION(S)

Generally

Stephen A. Lewis v. Ogden Services 2 OCAHO 384 (1991)

Pro Se

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

Protective Order(s)

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1079 (2002)

Service

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 854 (1996)
United States v. Red Lobster 4 OCAHO 631 (1994)

Withdrawal

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)

EXCEPTIONS

Acting Lawfully Under a Law

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)
Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)
Kasathsko v. Internal Revenue Service 6 OCAHO 840 (1996)
United States v. Southwest Marine Corporation, a California Corporation 3 OCAHO 429 (1992)

Generally

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm	9 OCAHO	1115	(2005)
United States v. General Dynamics	3 OCAHO	517	(1993)
EXCESSIVE DOCUMENTS			
Employer Practice(s)			
Elizabeth S. Mengarpuan v. Asbury Methodist Village	4 OCAHO	612	(1994)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7 OCAHO	934	(1997)
Generally			
Christopher Winkler v. Timlin Corporation	6 OCAHO	912	(1997)
In re Investigation of Florida Rural Legal Services, Subpoena	3 OCAHO	437	(1992)
James D. Westendorf v. Brown & Root, Inc.	3 OCAHO	477	(1992)
United States v. A.J. Bart, Inc.	3 OCAHO	538	(1993)
United States v. Acosta, Inc. d/b/a McDonald's	7 OCAHO	961	(1997)
United States v. Louis Padnos Iron & Metal Co., a Corporation	3 OCAHO	414	(1992)
United States v. Robison Fruit Ranch, Inc.	6 OCAHO	855	(1996)
United States v. Weld County School District	2 OCAHO	326	(1991)
EXECUTIVE ORDERS			
Generally			
United States v. Sizzlin Hot Restaurant	2 OCAHO	395	(1990)
FAILURE TO STATE A CLAIM			
Discrimination			
D'Amico v. Erie Community College	7 OCAHO	948	(1997)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc.	7 OCAHO	939	(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7 OCAHO	953	(1997)
Citizenship Status			

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

Dismissal

Aurelia Forden v. Dr. Lothar Griessbach 5 OCAHO 735 (1995)

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

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)

Daniel Cavazos v. Wanxiang America Corporation 10 OCAHO 1138 (2011)

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

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

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)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1148 (2012)

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

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Document Abuse

Lee v. AT&T 7 OCAHO 924 (1997)

Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)

Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Generally

Lee v. AT&T 7 OCAHO 924 (1997)

Document Abuse

Christopher Winkler v. West Capital Financial Services 7 OCAHO 928 (1997)

Costigan v. NYNEX 6 OCAHO 918 (1997)

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

Hutchinson v. GTE Data Services 7 OCAHO 954 (1997)

Jay S. Manning v. The City of Jacksonville 7 OCAHO 956 (1997)
Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 938 (1997)
Lonnie W. Hogenmiller v. Lincare, Inc. 7 OCAHO 953 (1997)
Olisaemeka Eze v. West County Transportation Agency 10 OCAHO 1140 (2011)
United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1148 (2012)

Generally

Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 938 (1997)
Maria Fuentes v. Grace Culinary Systems 6 OCAHO 873 (1996)
Susan K. Horst v. Juneau School District City and Borough of Juneau 7 OCAHO 957 (1997)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Knowingly Continue to Employ

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

Retaliation

Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)
Jose N. Hernandez v. City of Santa Ana 4 OCAHO 663 (1994)

Subject Matter Jurisdiction

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)
United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1148 (2012)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Tax Protester

Bunn v. USX/US Steel 7 OCAHO 985 (1998)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)

James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)

FEDERAL RULES OF CIVIL PROCEDURE

United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)

Affirmative Defense(s)

United States v. David Jenkins 4 OCAHO 649 (1994)

United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)

United States v. Tropicana Casino & Resort 9 OCAHO 1064 (2001)

Attorney Work Product

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Discovery

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

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

Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 883 (1996)

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 976 (1997)

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Dismissal

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

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Earl Russel Horne v. Town of Hampstead 6 OCAHO 884 (1996)

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Tulin E. Mangir v. TRW, Inc. 4 OCAHO 672 (1994)
United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)
United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Federal Rules of Civil Procedure Have No Application in Situations Covered By OCAHO Rules

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)

Generally

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 196 (1990)
Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)
Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)
Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)
Fordjour v. General Dynamics 1 OCAHO 286 (1991)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 2 OCAHO 341 (1991)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)
James D. Westendorf v. Brown & Root, Inc. 3 OCAHO 405 (1992)
Jaycee George v. Bridgeport Jai-Alai, Inc. 3 OCAHO 537 (1993)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1091 (2003)
John C. Grodzki v. OOCL, Inc. 1 OCAHO 295 (1991)
Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 322 (1991)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc. 3 OCAHO 438 (1992)
Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)
United States v. Applied Computer Technology 2 OCAHO 306 (1991)
United States v. Broadway Tire, Inc. 2 OCAHO 310 (1991)

United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	387	(1991)
United States v. Edith Fine	1	OCAHO	89	(1989)
United States v. Educational Employment Enterprise	1	OCAHO	283	(1991)
United States v. Educational Employment Enterprise	1	OCAHO	293	(1991)
United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
United States v. Exim, Inc. and Jaime Monardes, Individually	3	OCAHO	591	(1993)
United States v. Farmers Insurance Group of Companies	1	OCAHO	22	(1988)
United States v. Guardsmark	4	OCAHO	614	(1994)
United States v. Harris Ranch Beef Company	2	OCAHO	331	(1991)
United States v. Harris Ranch Beef Company	2	OCAHO	338	(1991)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors	1	OCAHO	119	(1989)
United States v. Martinez Cleaning Company, Inc. d/b/a Martinez Cleaners	1	OCAHO	121	(1990)
United States v. Min Goldblatt & Sons, Inc. t/a J.J.L.C.	1	OCAHO	170	(1990)
United States v. Mitchell Greif, President, Coast Poly, LLC	10	OCAHO	1183	(2013)
United States v. Naim Ojeil & Samoeil Ishk	7	OCAHO	976	(1997)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)
United States v. Robert Marnul d/b/a Lamont Street Grill	3	OCAHO	441	(1992)
United States v. Rosario Strano d/b/a Strano Farms	3	OCAHO	555	(1993)
United States v. Tropicana Casino & Resort	9	OCAHO	1064	(2001)
United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc.	2	OCAHO	390	(1991)

May Be Used as a General Guide in Situations Not Provided For by OCAHO or Other Applicable Rules

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
United States v. Vilardo Vineyards	11	OCAHO	1248	(2015)

Motion to Strike

United States v. BKR Restaurants, LLC d/b/a Burger King 10 OCAHO 1154 (2012)
United States v. David Jenkins 4 OCAHO 649 (1994)
United States v. Martina Limon-Perez 5 OCAHO 796 (1995)
United States v. U.S. Style, Inc. 5 OCAHO 793 (1995)
Privilege Claim

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)
United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)
Protective Order(s)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
Sanction (Rule 11)

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Setting Aside Order

United States v. Monica Zapata-Cosio 4 OCAHO 685 (1994)
Summary Decision

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)
United States v. Esther Flores-Martinez 5 OCAHO 733 (1995)
FEDERAL RULES OF EVIDENCE
As a Guideline

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

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

Generally

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

FEE SHIFTING

Generally

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

Jarvis v. AK Steel 7 OCAHO 952 (1997)

Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 5 OCAHO 778 (1995)

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

FIELD MANUAL

Generally

United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 123 (1990)

United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash 1 OCAHO 98 (1989)

United States v. San Ysidro Ranch 1 OCAHO 183 (1990)

FIFTH AMENDMENT

Affirmative Defense(s)

United States v. David Jenkins 4 OCAHO 649 (1994)

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

Generally

United States v. Alberto Noriega-Perez 5 OCAHO 798 (1995)

Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)

Privilege Claim

United States v. Alberto Noriega-Perez 5 OCAHO 777 (1995)

United States v. Felipe De Leon-Valenzuela 8 OCAHO 1004 (1998)
United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)
United States v. Pedro Dominguez 6 OCAHO 910 (1997)
United States v. Roberto C. Davila 6 OCAHO 903 (1996)

FILING

Fax Filings Acceptable to Toll Filing Deadline, But Hard Copies Must Be Forwarded Simultaneously

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

FINAL DECISION AND ORDER

Amended Order Does Not Toll Time Period for Filing Request for Review If Changes Are Only Clerical

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

FINES

Ability to Pay May Be Appropriate Factor to Consider In Assessing the Amount of the Penalty

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
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)

Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

ALJ Can Consider Public Policy of Leniency to Small Entities

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

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

ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

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

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

ALJ Not Bound by ICE's Method of Calculating Penalties

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

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)

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. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

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

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

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

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

Civil Money Penalty

United States v. El Azteca Dunkirk, Inc. 10 OCAHO 1172 (2013)

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

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

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

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

United States v. Fowler Equipment Company, Inc. 10 OCAHO 1169 (2013)

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

United States v. Gloria Fashions, Inc. 6 OCAHO 887 (1996)

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

United States v. Hugh Jeffrey Fox d/b/a Frank & Stein 5 OCAHO 756 (1995)

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

United States v. Pedro Dominguez 7 OCAHO 972 (1997)

United States v. Riverboat Delta King, Inc. 5 OCAHO 738 (1995)

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 4 OCAHO 625 (1994)

Generally

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

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

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

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 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 Seriousness of Violations May Be Reflected in the Final Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
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)
Employer Knowledge of Employee's Unauthorized Status Not Necessary to Enhance Fine

United States v. Durable, Inc. 11 OCAHO 1229 (2014)
Employer's Previous Receipt of a Warning Notice Does Not Constitute History of Previous Violations

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Enhancement Factor Based on Whether Specific Individual was Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

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

Excessive

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Crescent City Meat Company, Inc. 11 OCAHO 1223 (2014)
United States v. Fowler Equipment Company, Inc. 10 OCAHO 1169 (2013)
United States v. Mr. Mike's Pizza, Inc. 10 OCAHO 1196 (2013)
United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)
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. Pedro Dominguez 6 OCAHO 878 (1996)

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)

Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

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

United States v. Durable, Inc. 11 OCAHO 1231 (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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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 Prepare or 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 1232 (2014)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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)

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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)

Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

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. Cawoods Produce, Inc.	12	OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Romans Racing Stables, Inc.	11	OCAHO	1232	(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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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 ALJs May Review Penalty Assessments De Novo

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

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

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
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. Buffalo Transportation, Inc. 11 OCAHO 1263 (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. 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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
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)

Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
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)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
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)
Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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. Cawoods Produce, Inc.	12	OCAHO	1280	(2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12	OCAHO	1276	(2016)
United States v. Golden Employment Group, Inc.	12	OCAHO	1277	(2016)
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. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)
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. Safe-Air of Illinois, Inc.	12	OCAHO	1270	(2016)
United States v. Senox Corporation	11	OCAHO	1219	(2014)
United States v. SKZ Harvesting, Inc.	11	OCAHO	1266	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11	OCAHO	1243	(2015)

Seriousness of Violation Refers to Degree to Which Employer Has Deviated From the Proper Form

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12	OCAHO	1276	(2016)
United States v. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)

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)

Social Security Mismatch Does Not Establish That a Particular Individual is Unauthorized for Employment

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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 That 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 1231 (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 That Equal Weight Be Given Enumerated Factors Nor Rule Out Other Factors

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Statute Does Not Require That 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)

Statute Does Not Specify Factors ALJ Must Consider in Setting Penalty for Knowing Hire Violation

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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)

There Must Be Rational Relationship Between Magnitude of Offense and Penalty

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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)

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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)

FORM I-9

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 Documents Are To Be Independently Verified By the Employer, Not By the Employee

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

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)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Employer Is Permitted, But Not Required, To Copy Employee Documents Presented for Form I-9

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

Employer Must Attest to Examination of Section 2 Documents

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

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

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employer Must Ensure Employee Completes and Signs Form I-9 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 Ensure Employee Properly Completes Form I-9 Section 1 is Serious Violation

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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 Form I-9 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 Form I-9 Section 1 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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 Identify Issuing Authority In Form I-9 Section 2 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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)

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Form I-9 Timely Prepared If Section 1 Completed at Hire and Section 2 Within Three Days of Hire

United States v. Cawoods Produce, Inc.	12	OCAHO	1280	(2016)
United States v. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)
United States v. Senox Corporation	11	OCAHO	1219	(2014)
United States v. Speedy Gonzalez Construction, Inc.	11	OCAHO	1228	(2014)

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	1231	(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. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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 1231 (2014)

FOURTH AMENDMENT

Consent

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

DHS's Identification of Respondent for an Enforcement Audit Not Suppressible in OCAHO Proceedings

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Evidence Obtained Through Egregious Actions by DHS Officials May Be Suppressed

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Exclusionary Rule

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

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)

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)

Identity of a Respondent in Civil Proceesings is Never Itself Suppressible

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

Identity of Sovereign Who Seizes Evidence Relevant in Assessing Deterrent Effect of Exclusion

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)

Suppression of Evidence Should Provide Substantial Deterrent to Unlawful Police Action at Issue

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

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 1231 (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)

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. 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)

Good Faith Affirmative Defense Only Available for Technical/Procedural Violations

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

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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

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

Good Faith Standard has Subjective Components

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

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

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

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

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

Requires Assessment of Whether Employer Honestly Exercised Reasonable Care and Diligence

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

GOOD FAITH DEFENSE

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

United States v. Dr. Robert Schaus, D.D.S.	11 OCAHO	1239		(2014)
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)

Good Faith Affirmative Defense Only Available for Technical/Procedural Violations

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)

Good Faith Defense At 8 U.S.C.1324a(a)(3) Applies Only to Knowing Hire Violations

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)

Good Faith Defense Does Not Apply to Substantive Violations

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276		(2016)
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253		(2015)

Good Faith Defense Only Available for Technical/Procedural Violations

United States v. Cawoods Produce, Inc.	12 OCAHO	1280		(2016)
United States v. Golf International d/b/a Desert Canyon Golf	10 OCAHO	1214		(2014)
United States v. Horno MSJ, Ltd., Company	11 OCAHO	1247	a	(2015)
United States v. International Packaging, Inc.	12 OCAHO	1275		(2016)

HEARING(S)

Abandonment

Abdul Hamid Kadir v. Regal Dental Ceramics	4 OCAHO	598		(1994)
Adolfo Cruz Deguzman v. First America Bank Corporation	3 OCAHO	585		(1993)
Troncoso v. Ferlin Service Industries	1 OCAHO	110		(1989)
United States v. Jonel, Inc.	8 OCAHO	1008		(1998)
United States v. Mitchell Greif, President, Coast Poly, LLC	10 OCAHO	1177		(2013)

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation 3 OCAHO 473 (1992)

Bifurcation

Hernandez v. Farley Candy Company 5 OCAHO 781 (1995)

Consolidation

Elodia Guzman v. Yakima Fruit & Cold Storage 9 OCAHO 1063 (2000)

Evidence

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

Generally

Abdul Hamid Kadir v. Regal Dental Ceramics 4 OCAHO 598 (1994)

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)

Ironsi C. Ndusorouwa v. Prepared Foods, Inc. 1 OCAHO 192 (1990)

Jury Trial

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 623 (1994)

Permissive Joinder

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Prehearing Order

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

Representation

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)

Michael K. Lee v. Airtouch Communications 6 OCAHO 888 (1996)

Request for a Hearing

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)
United States v. Esther Flores-Martinez 4 OCAHO 698 (1994)
United States v. Kanon Associated Services, Inc. 5 OCAHO 800 (1995)
United States v. R&M Fashion, Inc. 6 OCAHO 826 (1995)
Waiver of Evidentiary Hearing

Ironsi C. Ndusorouwa v. Prepared Foods, Inc. 1 OCAHO 192 (1990)
United States v. Marcos Iniguez-Casillas 8 OCAHO 1001 (1998)
HEARSAY EVIDENCE
Generally

United States v. David Jenkins 5 OCAHO 743 (1995)
United States v. Mohammed Noorealam 5 OCAHO 753 (1995)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
Hearsay Is Freely Admissible in Administrative Proceeding if Probative and Reliable

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

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)
HIRE
Definition

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. David Jenkins 4 OCAHO 649 (1994)
IMMIGRATION AND NATURALIZATION SERVICE/IMMIGRATION AND CUSTOMS ENFORCEMENT

Civil Money Penalty

United States v. Riverboat Delta King, Inc. 5 OCAHO 738 (1995)

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

United States v. Williams Produce, Inc. 5 OCAHO 730 (1995)

Compliance with Employer Sanctions

Technical or Procedural Verification Failures

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

United States v. WSC Plumbing, Inc. 9 OCAHO 1071 (2001)

Confidential Informant(s)

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

DHS Has Prosecutorial Discretion to Decide How to Perform Worksite Enforcement Audits

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

DHS Has Prosecutorial Discretion to Decide Whether to Issue Notice of Intent to Fine

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Fifth Amendment

United States v. David Jenkins 4 OCAHO 649 (1994)

Generally

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 828 (1995)

United States v. Earl & Beverly McDougal d/b/a Grand Tradition 4 OCAHO 687 (1994)

United States v. Galilee Fashions, Inc. 4 OCAHO 697 (1994)

United States v. Italy Department Store, Inc. 6 OCAHO 847 (1996)

Handbook for Employers

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

Misconduct

United States v. David Jenkins 4 OCAHO 649 (1994)

Recruitment

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)

IMMUNITY

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Transactional

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)

Use

United States v. Maria Elizondo Garza d/b/a Garza Farm Labor 4 OCAHO 644 (1994)

INDEPENDENT INVESTIGATIONS

Generally

In re Investigation of Wal-Mart Distribution Center, Subpoena 5 OCAHO 788 (1995)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

INSPECTION

Form I-9

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

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

United States v. Italy Department Store, Inc. 6 OCAHO 847 (1996)

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

Generally

United States v. Bayley's Quality Seafoods, Inc. 1 OCAHO 238 (1990)

United States v. Big Bear Market 1 OCAHO 48 (1989)

United States v. Citizens Utilities Company, Inc., Telephone Division 1 OCAHO 161 (1990)

United States v. Gauriel Vanounou d/b/a Surf's Up Custom T-Shirts 1 OCAHO 54 (1989)

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

United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners 3 OCAHO 463 (1992)

INTENDING CITIZEN

Generally

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

INTERLOCUTORY ORDER(S)

Generally

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

United States v. Edith Fine 1 OCAHO 97 (1989)

United States v. Koamerican Trading Corporation 1 OCAHO 63 (1989)

United States v. Lea's Party Rentals, Inc. 1 OCAHO 124 (1990)

United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

United States v. Pedro Dominguez 7 OCAHO 973 (1997)

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

Review

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

INTERPRETER

Generally

United States v. Mushtaq Ahmed Chaudhry 3 OCAHO 588 (1993)

INTERROGATORIES

Contention Interrogatories Are a Permissible Tool of Discovery

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

Generally

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

Individual Capacity

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

Response

Jose Proto Alcaraz v. General Motors Corporation 7 OCAHO 962 (1997)

Sufficiency of Response

Iron Workers Local 455 v. Lake Construction & Development Corporation 6 OCAHO 911 (1997)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

INTERVENTION

Generally

Hernandez v. Farley Candy Company 5 OCAHO 765 (1995)

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)

Joan A. Lardy v. United Airlines, Inc. 6 OCAHO 843 (1996)

JUDGMENT(S)

Abandonment

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

Default

D'Amico v. Erie Community College 7 OCAHO 927 (1997)
Tyrone Robinson v. New York State Family Court 5 OCAHO 814 (1995)
United States v. A & A Maintenance Enterprise, Inc. 6 OCAHO 852 (1996)
United States v. Abel Galvez-Malgarejo 4 OCAHO 684 (1994)
United States v. Carlos Antonio Aquino 5 OCAHO 818 (1995)
United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)
United States v. Hotel Valet, Inc. d/b/a New York Valet 6 OCAHO 849 (1996)
United States v. Moses Sportswear, Inc. 6 OCAHO 841 (1996)
United States v. Rodeo Night Club 5 OCAHO 812 (1995)
United States v. Spartan Brands, Inc. a/k/a Longwood Manufacturing, Inc. 5 OCAHO 749 (1995)
United States v. U.S. Style, Inc. 6 OCAHO 827 (1995)
United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels 4 OCAHO 634 (1994)

Generally

Esther Din Brooks v. KNK Textile 3 OCAHO 528 (1993)
Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)
Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)
Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)
Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc. 3 OCAHO 539 (1993)
Grzegirz Pioterek v. Scott Worldwide Food Service 3 OCAHO 530 (1993)
Jesus Morales v. Cromwell's Tavern Restaurant 3 OCAHO 524 (1993)
Maria Gordillo v. Illinois Department of Employment Security 3 OCAHO 542 (1993)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott) 3 OCAHO 508 (1993)

Martin A. Holguin v. Dona Ana Fashions	3 OCAHO	582	(1993)
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)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Chums Corporation	6 OCAHO	842	(1996)
United States v. El Dorado Furniture Manufacturing, Inc. d/b/a El Dorado Furniture Manufacturer, Inc.	3 OCAHO	417	(1992)
United States v. Exim, Inc. and Jaime Monardes, Individually	3 OCAHO	591	(1993)
United States v. Feliciano Leon-Gutierrez	6 OCAHO	875	(1996)
United States v. General Dynamics	3 OCAHO	517	(1993)
United States v. Gloria Fashions, Inc.	6 OCAHO	839	(1996)
United States v. Harran Transportation Company, Inc.	6 OCAHO	857	(1996)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	861	(1996)
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. McDonnell Douglas Corporation	4 OCAHO	616	(1994)
United States v. Orlando Diaz-Rosas	4 OCAHO	702	(1994)
United States v. Power Operating Company	3 OCAHO	580	(1993)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	4 OCAHO	615	(1994)
United States v. The Beverly Center	5 OCAHO	762	(1995)
United States v. Wood 'N Stuff	3 OCAHO	574	(1993)
United States v. Zeferino Castillo, Individually	3 OCAHO	505	(1993)

Hearsay Evidence

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

National Origin Claim(s)

Boris Gerardo Salazar-Castro v. Cincinnati Public Schools	3 OCAHO	406	(1992)
Cecilia Araceli Basua v. Walmart #1554	3 OCAHO	535	(1993)
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)
Elizabeth Klimas v. Department of Treasury	3 OCAHO	419	(1992)
Esther Din Brooks v. KNK Textile	3 OCAHO	528	(1993)
Esther Din Brooks v. Watts Window World	3 OCAHO	501	(1993)
Frank Thomas Brown v. Baltimore City Public Schools	3 OCAHO	480	(1992)
Ghaffar Sepahpour v. Unisys, Inc.	3 OCAHO	500	(1993)
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)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3 OCAHO	469	(1992)
Jesus Morales v. Cromwell's Tavern Restaurant	3 OCAHO	524	(1993)
John R. Alvarez v. Interstate Highway Construction	3 OCAHO	430	(1992)
Juan Antonio Cardona Godinez v. Armguard Security Patrol	3 OCAHO	490	(1993)
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)
Martin A. Holguin v. Dona Ana Fashions	3 OCAHO	582	(1993)
Sellaro v. Elektra Records	3 OCAHO	495	(1993)
Retaliation			
Gurpreet Sodhi v. Maricopa Medical Center	10 OCAHO	1124	(2008)
Jose Danilo Cruz v. Able Service Contractors, Inc.	6 OCAHO	837	(1996)
Summary Decision			
Dinko Sefic v. Marconi Wireless	9 OCAHO	1123	(2007)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9 OCAHO	1127	(2007)

Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1110	(2004)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10 OCAHO	1130	(2009)
Natasha Dionne Humphries v. PalmOne	9 OCAHO	1112	(2004)
United States v. Alberta Sosa, Inc.	5 OCAHO	739	(1995)
United States v. Ana Maria Villegas-Valenzuela	5 OCAHO	784	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	4 OCAHO	718	(1994)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	742	(1995)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5 OCAHO	729	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4 OCAHO	608	(1994)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	879	(1996)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc.	6 OCAHO	851	(1996)
United States v. Kumar	6 OCAHO	833	(1996)
United States v. La Casona d/b/a La Casona Mexican Restaurant	4 OCAHO	712	(1994)
United States v. Lambok Sihombing	7 OCAHO	944	(1997)
United States v. Leonor Yolanda Ortiz	6 OCAHO	863	(1996)
United States v. Leonor Yolanda Ortiz	6 OCAHO	905	(1996)
United States v. Marisol Chavez-Ramirez	5 OCAHO	774	(1995)
United States v. Martin Palominos-Talavera	6 OCAHO	896	(1996)
United States v. Nicolas Tinoco-Medina	6 OCAHO	890	(1996)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service	5 OCAHO	760	(1995)

JUDICIAL ESTOPPEL

Generally

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)

JUDICIAL REVIEW

Generally

Jimmy Jack Jackai v. Dallas County Data Services	3 OCAHO	569	(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)
United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)
Time Period

United States v. Big Bear Market 1 OCAHO 49 (1989)
United States v. Dodge Printing Centers, Inc. 1 OCAHO 159 (1990)
Virtue Memorandum Is Entitled to Skidmore Deference

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
Virtue Memorandum Not Entitled to Chevron Deference

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
JURISDICTION

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

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 535 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 547 (1993)
Cecilia Araceli Basua v. Walmart #1554 3 OCAHO 549 (1993)
Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 568 (1993)
Elizabeth Klimas v. Department of Treasury 3 OCAHO 419 (1992)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Errol Williams v. Lucas & Associates 1 OCAHO 254 (1990)

Esther Din Brooks v. KNK Textile	3 OCAHO	545	(1993)
Fordjour v. General Dynamics	1 OCAHO	286	(1991)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3 OCAHO	539	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3 OCAHO	469	(1992)
Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc.	1 OCAHO	144	(1990)
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595	(1994)
Juan Antonio Cardona Godinez v. Armguard Security Patrol	3 OCAHO	490	(1993)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	638	(1994)
Linda S. Walker v. United Airlines, Inc.	4 OCAHO	686	(1994)
Marcos Valencio v. VASP Brazilian Airlines	5 OCAHO	740	(1995)
Maria Gordillo v. Illinois Department of Employment Security	3 OCAHO	542	(1993)
Marian Ryba v. Temple Steel Company	1 OCAHO	289	(1991)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection	7 OCAHO	925	(1997)
Miguel A. Gallegos v. Magna-View, Inc.	4 OCAHO	619	(1994)
Miguel A. Gallegos v. Magna-View, Inc.	4 OCAHO	628	(1994)
Nripendra S. Dhillon v. Regents of the University of California	3 OCAHO	497	(1993)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4 OCAHO	624	(1994)
Olegario Munoz v. Pastel Furniture Manufacturing Company	3 OCAHO	457	(1992)
Richard F. Lareau v. US Airways, Inc.	7 OCAHO	932	(1997)
Sara Caspi v. William J. Hoffman and Trigild Corporation	6 OCAHO	838	(1996)
United States v. Auburn University	3 OCAHO	564	(1993)
United States v. General Dynamics	3 OCAHO	517	(1993)

Citizenship Status

Costigan v. NYNEX	6 OCAHO	918	(1997)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
Howard Eugene McNier v. San Francisco State University College of Business	7 OCAHO	947	(1997)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1083	(2002)

Jorge Mario Ipina v. Michigan Jobs Commission 8 OCAHO 1036 (1999)
Lee v. AT&T 7 OCAHO 924 (1997)
Tina B. Boyd v. Amzi Sherling, DDS 6 OCAHO 916 (1997)
Complainant Must Establish Existence of Subject Matter Jurisdiction By Preponderance of Evidence

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)
Document Abuse

Costigan v. NYNEX 6 OCAHO 918 (1997)
Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)
Lee v. AT&T 7 OCAHO 924 (1997)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)
Michael K. Lee v. Airtouch Communications 6 OCAHO 888 (1996)
United States v. Guardsmark 3 OCAHO 572 (1993)
United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)
United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)
Citizenship Status
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
National Origin
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Double Jeopardy

United States v. Pedro Dominguez 6 OCAHO 876 (1996)
Eleventh Amendment

Jamal Y. Elhaj-Chehade v. University of Texas Southwestern Medical School 8 OCAHO 1022 (1999)
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center 4 OCAHO 689 (1994)

Josh Kupferberg v. University of Oklahoma Health Sciences Center 4 OCAHO 689 (1994)

Massala Prince Reffell v. Prairie View A&M University 9 OCAHO 1057 (2000)

Paul C. Iwuchukwu v. City of Grand Prairie 6 OCAHO 915 (1997)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

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

Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1054 (2000)

Employer Sanctions

Private Right of Action

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

Enforcement

Olimpia Tovar v. United States Postal Service 4 OCAHO 650 (1994)

Exclusive

Citizenship Status

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)

Generally

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

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

Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche 1 OCAHO 222 (1990)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

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

In re Investigation of Carolina Employers Association, Subpoena 3 OCAHO 455 (1992)

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 214 (1990)

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 259 (1990)

Jairo Diaz v. Canteen Corporation 2 OCAHO 332 (1991)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)

Jorge Mario Ipina v. Michigan Department of Labor 2 OCAHO 386 (1991)

Joyce J. Austin v. Jitney-Jungle Stores of America, Inc.	6	OCAHO	923	(1997)
Kosatschkow v. Allen-Stevens Corporation	7	OCAHO	938	(1997)
Leandro Miraon Aguinaldo v. McDonnell Douglas Corporation	4	OCAHO	707	(1994)
Maria Gordillo v. Illinois Department of Employment Security	3	OCAHO	542	(1993)
Mester Manufacturing Company v. United States	1	OCAHO	44	(1989)
Miguel A. Gallegos v. Magna-View, Inc.	4	OCAHO	619	(1994)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	705	(1994)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10	OCAHO	1126	(2008)
Robert S. Mathews v. Goodyear Tire & Rubber Company	7	OCAHO	929	(1997)
Ronald C. Wilson v. Harrisburg School District	6	OCAHO	919	(1997)
Shensheng Zhao v. Sacot, Inc. and/or Grand CMS Company, Ltd.	6	OCAHO	850	(1996)
Terrence McCaffrey v. LSI Logic Corporation	6	OCAHO	867	(1996)
United States v. A & A Maintenance Enterprise, Inc.	6	OCAHO	852	(1996)
United States v. Charo's Corporation d/b/a Charo's Restaurant	3	OCAHO	467	(1992)
United States v. El Dorado Furniture Manufacturing, Inc. d/b/a El Dorado Furniture Manufacturer, Inc.	3	OCAHO	417	(1992)
United States v. Esther Flores-Martinez	4	OCAHO	682	(1994)
United States v. Frank's Meat Company, a Sole Proprietorship	3	OCAHO	513	(1993)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant	1	OCAHO	216	(1990)
United States v. Gauriel Vanounou d/b/a Surf's Up Custom T-Shirts	1	OCAHO	54	(1989)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)
United States v. Kaday Musu Thoronka	5	OCAHO	725	(1995)
United States v. Law Offices of Manulkin, Glaser & Bennett	1	OCAHO	100	(1989)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. McDonnell Douglas Corporation	2	OCAHO	351	(1991)
United States v. Mesa Airlines	1	OCAHO	74	(1989)
United States v. Min Goldblatt & Sons, Inc. t/a J.J.L.C.	1	OCAHO	184	(1990)

United States v. Nicolas Tinoco-Medina	5	OCAHO	806	(1995)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	2	OCAHO	308	(1991)
United States v. Renato Parondo Jaque	6	OCAHO	823	(1995)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1	OCAHO	201	(1990)
United States v. Sizzler Restaurants International, Inc.	2	OCAHO	325	(1991)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1	OCAHO	112	(1989)
United States v. Townsend Culinary, Inc.	8	OCAHO	1032	(1999)
United States v. U.S. Style, Inc.	5	OCAHO	793	(1995)

Jurisdiction

Alexander T. Mikhailine v. WebSci Technologies, Inc.	8	OCAHO	1033	(1999)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)

Limitation(s)

Benjamin A. K. Yohan v. Central State Hospital	4	OCAHO	593	(1994)
Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	535	(1993)
Cecilia Araceli Basua v. Walmart #1554	3	OCAHO	547	(1993)
Drahomira Adame v. Dunkin Donuts	4	OCAHO	691	(1994)
Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia	1	OCAHO	203	(1990)
Ironsi C. Ndusorouwa v. Prepared Foods, Inc.	1	OCAHO	192	(1990)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1	OCAHO	25	(1988)
Programmer's Guild, Inc. v. Value Consulting, Inc.	10	OCAHO	1135	(2010)
Sargon Bethishou v. Ohmite Manufacturing Company	1	OCAHO	77	(1989)
Stephen A. Lewis v. Ogden Services	2	OCAHO	375	(1991)
Syed Fayyaz v. The Sheraton Corporation	1	OCAHO	152	(1990)
United States v. Marcel Watch Corporation	1	OCAHO	143	(1990)
United States v. Mesa Airlines	1	OCAHO	74	(1989)

Memorandum of Understanding (MOU)

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)
United States v. Auburn University 4 OCAHO 617 (1994)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

National Origin

Costigan v. NYNEX 6 OCAHO 918 (1997)
Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc. 7 OCAHO 943 (1997)
Frederick John Harris v. State of Hawaii, Department of Education 6 OCAHO 922 (1997)
Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)
Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)
Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)
Robert S. Mathews v. Goodyear Tire & Rubber Company 7 OCAHO 929 (1997)
United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)

National Origin Claim(s)

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)
Bassey J. Udofot v. General Electric Company, Astro-Space Division 1 OCAHO 205 (1990)
Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)
Ching Hua Huang v. United States Postal Service 2 OCAHO 313 (1991)
Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 374 (1991)
Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 392 (1991)
Drahomira Adame v. Dunkin Donuts 4 OCAHO 691 (1994)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Errol Williams v. Lucas & Associates 1 OCAHO 254 (1990)

Errol Williams v. Touche Ross & Company d/b/a Deloitte & Touche	1	OCAHO	222	(1990)
Fordjour v. General Dynamics	1	OCAHO	286	(1991)
George Suchta v. United States Postal Service	2	OCAHO	327	(1991)
Hector Cascante v. Kayak Club	1	OCAHO	223	(1990)
Henry O. Akinwande v. Mr. Rick Weyel, Erol's, Inc.	1	OCAHO	144	(1990)
Ironsi C. Ndusorouwa v. Prepared Foods, Inc.	1	OCAHO	192	(1990)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Jairo Diaz v. Canteen Corporation	2	OCAHO	332	(1991)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering	4	OCAHO	648	(1994)
Jorge Mario Ipina v. Michigan Department of Labor	2	OCAHO	386	(1991)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	663	(1994)
Marcos Valencio v. VASP Brazilian Airlines	5	OCAHO	740	(1995)
Marian Ryba v. Temple Steel Company	1	OCAHO	289	(1991)
Michael K. Wockenfuss v. Bureau of Prisons	5	OCAHO	767	(1995)
Michael Williamson v. Autorama, Inc.	1	OCAHO	174	(1990)
Miguel A. Gallegos v. Magna-View, Inc.	4	OCAHO	628	(1994)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	639	(1994)
Mr. Doron Tal v. M. L. Energia, Inc.	4	OCAHO	705	(1994)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1	OCAHO	25	(1988)
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)
Sargon Bethishou v. Ohmite Manufacturing Company	1	OCAHO	77	(1989)
Stephen A. Lewis v. Ogden Services	2	OCAHO	375	(1991)
Tina B. Boyd v. Amzi Sherling, DDS	6	OCAHO	916	(1997)

National Origin Jurisdiction

Carlos Aciar v. Rosen's Delicatessen	9	OCAHO	1086	(2002)
Drahomira Adame v. Dunkin Donuts	5	OCAHO	722	(1995)

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Howard Eugene McNier v. San Francisco State University College of Business 7 OCAHO 947 (1997)
Jose Pablo Martinez v. Superior Linen 10 OCAHO 1180 (2013)
Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)
OCAHO ALJ Has Authority to Determine Whether OCAHO Retains Subject Matter Jurisdiction

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)
OCAHO Lacks Jurisdiction Over Claims Arising Under 42 U.S.C. 1981

Brian Emilio Gonzalez-Hernandez v. Arizona Family Health Partnership 11 OCAHO 1254 (2015)
Office of Special Counsel Investigation(s)

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1049 (2000)
United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
Original
Citizenship Status
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)
Persons Protected

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)
Zelleka Getahun v. Dupont Merck Pharmaceutical Company 6 OCAHO 880 (1996)
Temporary Protected Status
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
Retaliation

Brenda Bent v. Brotman Medical Center Pulse Health Services 5 OCAHO 764 (1995)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)
Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company	4	OCAHO	675	(1994)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
United States v. Hotel Martha Washington Corporation	5	OCAHO	786	(1995)

Sovereign

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4	OCAHO	689	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4	OCAHO	689	(1994)
Kasathsko v. Internal Revenue Service	6	OCAHO	840	(1996)
Massala Prince Reffell v. Prairie View A&M University	9	OCAHO	1057	(2000)
Paul C. Iwuchukwu v. City of Grand Prairie	6	OCAHO	869	(1996)
Paul C. Iwuchukwu v. City of Grand Prairie	6	OCAHO	915	(1997)
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)
United States v. Auburn University	4	OCAHO	688	(1994)

Subject Matter Jurisdiction

Cormia v. Home Care Giver Services	10	OCAHO	1160	(2012)
D'Amico v. Erie Community College	7	OCAHO	948	(1997)
Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office	12	OCAHO	1284	(2016)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
James R. Cook v. Pro Source, Inc.	7	OCAHO	960	(1997)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Massala Prince Reffell v. Prairie View A&M University	9	OCAHO	1057	(2000)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10	OCAHO	1126	(2008)

Robert S. Mathews v. Goodyear Tire & Rubber Company 7 OCAHO 929 (1997)
Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1042 (2000)
Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1054 (2000)
Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Subpoena

In re Investigation of Hyatt Regency Lake Tahoe, Subpoena 5 OCAHO 751 (1995)
In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)
In re Investigation of Wal-Mart Stores, Subpoena 5 OCAHO 754 (1995)

Subsequent to Final Order

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)

Tax Protester

Bunn v. USX/US Steel 7 OCAHO 985 (1998)
Christopher Winkler v. West Capital Financial Services 7 OCAHO 928 (1997)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc. 7 OCAHO 939 (1997)
Hutchinson v. GTE Data Services 7 OCAHO 954 (1997)
James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)
Jay S. Manning v. The City of Jacksonville 7 OCAHO 956 (1997)
Lee v. AT&T 7 OCAHO 924 (1997)
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)
Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)
Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Temporary Protected Status (TPS)

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

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

The Issue of Subject Matter Jurisdiction May Be Raised at Any Time

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Time Computation(s)

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)

United States v. Auburn University 4 OCAHO 602 (1994)

United States v. Auburn University 4 OCAHO 617 (1994)

Time Limitation(s)

Alexander T. Mikhailine v. WebSci Technologies, Inc. 8 OCAHO 1033 (1999)

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Julian Sahagun v. Bend-Pack, Inc. 5 OCAHO 809 (1995)

Leonid Naginsky v. Department of Defense and EG&G Dynatrend 5 OCAHO 726 (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. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

KNOWING USE

Generally

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

United States v. Leonor Yolanda Ortiz 6 OCAHO 905 (1996)
United States v. Maria Sourovova 8 OCAHO 1020 (1998)
United States v. Marisol Chavez-Ramirez 5 OCAHO 774 (1995)

KNOWINGLY CONTINUE TO EMPLOY

Generally

United States v. Aid Maintenance Company, Inc. 8 OCAHO 1023 (1999)
United States v. Jonel, Inc. 8 OCAHO 1008 (1998)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)

Knowing Hire Violations Are Far More Serious Than Any Paperwork Violations

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

KNOWINGLY HIRE

Admission(s)

United States v. Valencia Bar & Liquors, Inc. 7 OCAHO 995 (1998)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

Civil Money Penalty

United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)

Defense(s)

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)
United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

Employment Eligibility

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

Generally

United States v. Aid Maintenance Company, Inc.	8	OCAHO	1023	(1999)
United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3	OCAHO	462	(1992)
United States v. Business Teleconsultants, Ltd.	3	OCAHO	565	(1993)
United States v. Christie Automotive Products	2	OCAHO	361	(1991)
United States v. Dubois Farms, Inc.	2	OCAHO	376	(1991)
United States v. Giamblis Enterprises	6	OCAHO	834	(1996)
United States v. Great Bend Packing Company	6	OCAHO	835	(1996)
United States v. Irma Hernandez	8	OCAHO	1043	(2000)
United States v. Jonel, Inc.	8	OCAHO	1008	(1998)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	396	(1991)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
United States v. Saeed Rahimzadeh Corporation	3	OCAHO	551	(1993)
United States v. Tri-Component Product Corporation	6	OCAHO	853	(1996)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9	OCAHO	1092	(2003)

Good Faith Defense

United States v. Valencia Bar & Liquors, Inc.	7	OCAHO	995	(1998)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9	OCAHO	1092	(2003)

KNOWLEDGE

Constructive Knowledge

United States v. Aid Maintenance Company, Inc.	7	OCAHO	951	(1997)
United States v. American McNair, Inc.	1	OCAHO	285	(1991)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	877	(1996)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	200	(1990)
United States v. C&D Plastics, Inc.	1	OCAHO	240	(1990)
United States v. Cafe Camino Real, Inc.	2	OCAHO	307	(1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant	1	OCAHO	123	(1990)
United States v. Foothill Packing, Inc.	11	OCAHO	1240	(2015)
United States v. Jonel, Inc.	7	OCAHO	967	(1997)
United States v. Jonel, Inc.	8	OCAHO	1008	(1998)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Mester Manufacturing Company	1	OCAHO	18	(1988)
United States v. New El Rey Sausage Company	1	OCAHO	66	(1989)
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. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc.	3	OCAHO	583	(1993)
United States v. Sunshine Building Maintenance, Inc.	7	OCAHO	997	(1998)
United States v. USA Café	1	OCAHO	42	(1989)

Degree of Culpability for Constructive Knowledge Requires More Than Mere Negligence

United States v. SKZ Harvesting, Inc.	11	OCAHO	1266	(2016)

Employer Chargeable With Such Knowledge As Reasonable Inquiry Would Have Revealed

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

Employer Not Entitled to Cultivate Deliberate Ignorance or Avoid Acquiring Knowledge

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Generally

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

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

United States v. Chicken By Chickadee Farms, Inc. 3 OCAHO 423 (1992)

United States v. Christie Automotive Products 2 OCAHO 361 (1991)

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

United States v. Honorio Carmona-Anica 5 OCAHO 770 (1995)

United States v. Israel Velasquez-Tabir 6 OCAHO 914 (1997)

United States v. Julio Carpio-Lingan 6 OCAHO 914 (1997)

United States v. Leonor Yolanda Ortiz 6 OCAHO 889 (1996)

United States v. Mr. Z Enterprise 1 OCAHO 288 (1991)

United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 337 (1991)

United States v. The Body Shop 1 OCAHO 149 (1990)

United States v. USA Café 1 OCAHO 429 (1989)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 198 (1990)

Imputed Knowledge

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)

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

United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 377 (1991)

United States v. Oscar Chacon, Sr. 3 OCAHO 578 (1993)

United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)

Knowing Hire

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)

Summary Decision

United States v. Felipe De Leon-Valenzuela 7 OCAHO 993 (1998)

United States v. Haim Co., Inc. 7 OCAHO 988 (1998)

LABOR CERTIFICATION

U.S. Worker Cannot Be Rejected Based on Criteria Not Listed in Job Order

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

U.S. Worker Must Be Considered Qualified If Minimum Requirements of Job Order Are Met

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

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

LEGISLATIVE HISTORY

Disparate Treatment

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

Document Abuse

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

Generally

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

United States v. Guardsmark 3 OCAHO 572 (1993)

United States v. Monica Zapata-Cosio 5 OCAHO 822 (1995)

United States v. Mourad Abu Remileh 5 OCAHO 724 (1995)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

LIABILITY

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1100 (2003)

Citizenship Status Discrimination

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

Final Order

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1100 (2003)

Continuing Violation(s)

United States v. Curran Engineering Company, Inc. 7 OCAHO 975 (1997)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

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

United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 940 (1997)

Co-Owners of an Enterprise are Jointly and Severally Liable

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

Corporate Veil

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

Corporation(s)

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

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)

United States v. Continental Sports Corporation 5 OCAHO 780 (1995)

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

Employer Cannot Avoid Liability by Submitting I-9s After the Deadline Unless Extension is Granted

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employers Are Routinely Held Liable for Acts of the Authorized Agents

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

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

Failure to Complete I-9 Form for Employee Who Works Fewer Than Three Business Days

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

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

Failure to Produce I-9 Form for Individual Whose Name is Not Listed on Employer's Records

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

Generally

United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. Maria Teresa De Jesus Morales-Martinez 5 OCAHO 727 (1995)

United States v. Monica Zapata-Cosio 5 OCAHO 822 (1995)

United States v. Taco Plus, Inc. d/b/a Taco Loco 5 OCAHO 775 (1995)

Individual Capacity

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

Paperwork Requirement(s)/Violation(s)

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

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

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

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

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)
United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)
United States v. R&M Fashion, Inc. 6 OCAHO 826 (1995)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)

Personal

United States v. Blueberry Hill Family Restaurant, Inc. 4 OCAHO 704 (1994)
United States v. Burns and Intra-Continental Enterprises 5 OCAHO 759 (1995)
United States v. Continental Sports Corporation 5 OCAHO 780 (1995)
United States v. Exim, Inc. and Jaime Monardes, Individually 4 OCAHO 604 (1994)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)

Substantial Compliance

United States v. Mark Steven Carter d/b/a Dixie industrial Service Company 6 OCAHO 865 (1996)

Successorship Liability

United States v. Spring & Soon Fashion, Inc. 7 OCAHO 982 (1997)
United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)

Summary Decision

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)
United States v. Continental Sports Corporation 5 OCAHO 799 (1995)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc. 6 OCAHO 851 (1996)
United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

MEMORANDUM OF UNDERSTANDING (MOU)

Equal Employment Opportunity Commission

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)

United States v. Auburn University 4 OCAHO 617 (1994)

Office of Special Counsel

Bunn v. USX/US Steel 7 OCAHO 985 (1998)

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

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Sara Caspi v. William J. Hoffman and Trigild Corporation 6 OCAHO 907 (1997)

United States v. Auburn University 4 OCAHO 617 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

MIRANDA-TYPE WARNINGS

Generally

United States v. Cristina Galeas 5 OCAHO 790 (1995)

MITIGATION

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

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

Back Pay

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

United States v. Acosta, Inc. d/b/a McDonald's 7 OCAHO 961 (1997)

United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation 3 OCAHO 407 (1992)

Civil Money Penalty

United States v. Alberta Sosa, Inc.	6	OCAHO	831	(1996)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant	5	OCAHO	729	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Davis Nursery, Inc.	4	OCAHO	694	(1994)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
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. 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. Hugh Jeffrey Fox d/b/a Frank & Stein	5	OCAHO	756	(1995)
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. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Ricardo Calderon, Inc.	6	OCAHO	832	(1996)
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. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4	OCAHO	625	(1994)
United States v. Williams Produce, Inc.	5	OCAHO	730	(1995)

Education

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

Employment Authorization

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

Entitlement

Iron Workers Local 455 v. Lake Construction & Development Corporation	7 OCAHO	964	(1997)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
United States v. Educational Employment Enterprise	1 OCAHO	283	(1991)
United States v. Louis Padnos Iron & Metal Co., a Corporation	3 OCAHO	414	(1992)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Monfort, Inc.	4 OCAHO	597	(1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	4 OCAHO	636	(1994)

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

United States v. Romans Racing Stables, Inc.	11 OCAHO	1232	(2014)

Form I-9

United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4 OCAHO	608	(1994)
United States v. El Paso Hospitality, Inc.	5 OCAHO	737	(1995)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4 OCAHO	670	(1994)

Generally

United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing	3 OCAHO	494	(1993)
United States v. Anders Kampe d/b/a Kampe Motors, Ltd.	3 OCAHO	462	(1992)
United States v. Business Teleconsultants, Ltd.	3 OCAHO	565	(1993)
United States v. Central Nebraska Packing, Inc.	4 OCAHO	714	(1994)
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. 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. Four Star Knitting, Inc.	6 OCAHO	868	(1996)
United States v. Giannini Landscaping, Inc.	3 OCAHO	573	(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. 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. Minaco Fashions, Inc.	3 OCAHO	587	(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. Redi-Cut Foods, Inc.	4 OCAHO	659	(1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5 OCAHO	748	(1995)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3 OCAHO	509	(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. Wood 'N Stuff	3 OCAHO	574	(1993)

Good Faith Defense

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	5 OCAHO	758	(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. DJ Drywall, Inc.	10 OCAHO	1136	(2010)
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. 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. 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. 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)
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)
Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

Ignorance of Statutory Requirements

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)

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

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

Illegal Alien(s)

United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana 5 OCAHO 803 (1995)
United States v. Giamblis Enterprises 6 OCAHO 834 (1996)
United States v. Great Bend Packing Company 6 OCAHO 835 (1996)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 4 OCAHO 637 (1994)
United States v. Tri-Component Product Corporation 6 OCAHO 853 (1996)

Injunctive Relief

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 196 (1990)
Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 148 (1990)
Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

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)

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

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1200 (2013)

Mitigation

Coraizaca v. Yesterday's Restaurant 2 OCAHO 304 (1991)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

Monetary Damages

Coraizaca v. Yesterday's Restaurant 2 OCAHO 304 (1991)

Iron Workers Local 455 v. Lake Construction & Development Corporation 7 OCAHO 964 (1997)

Juan Coraizaca v. Yesterday's Restaurant 2 OCAHO 340 (1991)

Back Pay

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

Thereza A. Freeman v. Mexico Studio Owners 1 OCAHO 291 (1991)

United States v. A.J. Bart, Inc. 3 OCAHO 538 (1993)

United States v. Educational Employment Enterprise 1 OCAHO 283 (1991)

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. Louis Padnos Iron & Metal Co., a Corporation 3 OCAHO 414 (1992)

United States v. Marcel Watch Corporation 1 OCAHO 169 (1990)

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

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

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3 OCAHO	486	(1993)
United States v. Redi-Cut Foods, Inc.	4 OCAHO	659	(1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	4 OCAHO	636	(1994)
United States v. Southwest Marine Corporation, a California Corporation	3 OCAHO	429	(1992)
Duty to Mitigate			
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Thereza A. Freeman v. Mexico Studio Owners	1 OCAHO	291	(1991)
United States v. Educational Employment Enterprise	1 OCAHO	283	(1991)
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)
Front Pay			
United States v. Marcel Watch Corporation	1 OCAHO	169	(1990)
United States v. Marcel Watch Corporation	1 OCAHO	143	(1990)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	3 OCAHO	407	(1992)
Reduction			
Thereza A. Freeman v. Mexico Studio Owners	1 OCAHO	291	(1991)
United States v. Educational Employment Enterprise	1 OCAHO	283	(1991)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
Previous Violation(s)			
United States v. Draper-King Cole, Inc.	7 OCAHO	933	(1997)
Reinstatement			
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Thereza A. Freeman v. Mexico Studio Owners	1 OCAHO	291	(1991)
United States v. Marcel Watch Corporation	1 OCAHO	143	(1990)

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

United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation 3 OCAHO 407 (1992)

Zelleka Getahun v. Dupont Merck Pharmaceutical Company 8 OCAHO 1041 (1999)

Seriousness of Violation(s)

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

Size of Business

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

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

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

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

United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 4 OCAHO 692 (1994)

United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)

United States v. Taco Plus, Inc. d/b/a Taco Loco 5 OCAHO 775 (1995)

United States v. Tri-Component Product Corporation 6 OCAHO 853 (1996)

United States v. Williams Produce, Inc. 5 OCAHO 730 (1995)

MODIFICATION

Generally

United States v. Danny Mathis d/b/a Mathis Maspory 5 OCAHO 752 (1995)

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

United States v. Galilee Fashions, Inc. 4 OCAHO 697 (1994)

United States v. Javier Morales-Vargas a/k/a Daniel Avasolos-Velasqez 5 OCAHO 732 (1995)

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

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. 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)
Summary Decision

United States v. Cristina Galeas 5 OCAHO 790 (1995)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)
MOTION(S)
Abandonment

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

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

United States v. Agripac, Inc. 8 OCAHO 1028 (1999)
United States v. Alexander's Inc. d/b/a Homestead Tomato Packing Company 3 OCAHO 504 (1993)
United States v. Burns and Intra-Continental Enterprises 4 OCAHO 679 (1994)
United States v. Felipe De Leon-Valenzuela 8 OCAHO 1004 (1998)
United States v. Galilee Fashions, Inc. 4 OCAHO 697 (1994)
United States v. Mr. Z Enterprise 1 OCAHO 162 (1990)
United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 504 (1993)
United States v. Sunshine Building Maintenance, Inc. 6 OCAHO 913 (1997)
Wartan Bozoghlanian v. Hughes Radar Systems Group 5 OCAHO 741 (1995)
Bifurcation

United States v. Agripac, Inc. 8 OCAHO 1012 (1998)

Clarification

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

Compel

Dalila Kamal-Griffin v. Cahill Gordon & Reindel 3 OCAHO 487 (1993)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1125 (2007)

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

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 493 (1993)

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 613 (1994)

United States v. Daniel Fenton Wilde, Individually and d/b/a Danny Wilde Farm 1 OCAHO 213 (1990)

United States v. Marvlee, Inc. 5 OCAHO 728 (1995)

United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 319 (1991)

United States v. Northwest Airlines, Inc. 3 OCAHO 452 (1992)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 700 (1994)

United States v. Sam Y. Ro d/b/a Daruma Japanese Restaurant 1 OCAHO 265 (1990)

United States v. SDI Industries, Inc. 3 OCAHO 465 (1992)

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

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)

United States v. Townsend Culinary, Inc. 7 OCAHO 996 (1998)

United States v. Tuttle's Design Build, Inc. 3 OCAHO 422 (1992)

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)

Arbitration

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)

Continuance

United States v. Head Foil, Inc. d/b/a Head Foil Corporation 2 OCAHO 398 (1991)

Decision on Written Submission(s)

United States v. La Casona d/b/a La Casona Mexican Restaurant 4 OCAHO 712 (1994)

Default Judgment

D'Amico v. Erie Community College 7 OCAHO 927 (1997)

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

Sellaro v. Elektra Records 3 OCAHO 461 (1992)

United States v. Continental Sports Corporation 4 OCAHO 640 (1994)

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

United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)

United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation 3 OCAHO 473 (1992)

United States v. Spartan Brands, Inc. a/k/a Longwood Manufacturing, Inc. 5 OCAHO 749 (1995)

United States v. William L. Garcia d/b/a La Buena, Inc. 7 OCAHO 950 (1997)

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

Defense(s)

Good Faith Defense

United States v. Anthony Borrelli and Sons, Inc. 8 OCAHO 1027 (1999)

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

Denial of Motion

Successorship Liability

United States v. WSC Plumbing, Inc. 8 OCAHO 1045 (2000)

Dismissal

Earl Russel Horne v. Town of Hampstead 6 OCAHO 884 (1996)

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Elodia Guzman v. Yakima Fruit & Cold Storage 9 OCAHO 1066 (2001)

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

Frank Thomas Brown v. Baltimore City Public Schools	3	OCAHO	480	(1992)
Ghaffar Sepahpour v. Unisys, Inc.	3	OCAHO	500	(1993)
Grzegirz Pioterek v. Scott Worldwide Food Service	3	OCAHO	530	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3	OCAHO	469	(1992)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6	OCAHO	892	(1996)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	345	(1991)
James D. Westendorf v. Brown & Root, Inc.	3	OCAHO	477	(1992)
Jarvis v. AK Steel	7	OCAHO	930	(1997)
Jaycee George v. Bridgeport Jai-Alai, Inc.	3	OCAHO	537	(1993)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
Joan A. Lardy v. United Airlines, Inc.	4	OCAHO	595	(1994)
Lazaro Antonio Arrieta v. Michigan Employment Security Commission	3	OCAHO	471	(1992)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)
Mr. Wahab E. Ekunsumi v. Hyatt Regency Hotel of Cincinnati	1	OCAHO	128	(1990)
Roman Udala v. New York State Department of Education	4	OCAHO	633	(1994)
Sellaro v. Elektra Records	3	OCAHO	461	(1992)
Shensheng Zhao v. Sacot, Inc. and/or Grand CMS Company, Ltd.	6	OCAHO	850	(1996)
Stephen Salerno v. ICL Retail Systems, Inc.	3	OCAHO	481	(1993)
Tito Ponce Chavez v. National By-Products	4	OCAHO	620	(1994)
Tulin E. Mangir v. TRW, Inc.	4	OCAHO	672	(1994)
United States v. Auburn University	3	OCAHO	564	(1993)
United States v. Farmers Insurance Group of Companies	1	OCAHO	22	(1988)
United States v. Frank's Meat Company, a Sole Proprietorship	3	OCAHO	513	(1993)
United States v. Red Lobster	4	OCAHO	631	(1994)
United States v. Redi-Cut Foods, Inc.	4	OCAHO	659	(1994)
United States v. Victor Hugo Baches-Corado	3	OCAHO	571	(1993)
Wartan Bozoghlanian v. Hughes Radar Systems Group	5	OCAHO	741	(1995)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4	OCAHO	660	(1994)

Citizenship Status
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)
United States v. Swift & Co. 9 OCAHO 1068 (2001)
Document Abuse
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1040 (2000)
United States v. Swift & Co. 9 OCAHO 1068 (2001)
Disqualify
Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 1 OCAHO 207 (1990)
Enforcement of Arbitration
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1096 (2003)
Enforcement of Settlement
Azia Aityahia v. Sabena Airline Training Center, Inc. 9 OCAHO 1122 (2006)
Rafael Prieto v. News World Communications, Inc. 1 OCAHO 177 (1989)
United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)
United States v. Westin Galleria & Westin Oaks Hotel 4 OCAHO 701 (1994)
Exclusion of Opposing Counsel
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Extension of Time
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 664 (1994)
United States v. BKR Restaurants, LLC d/b/a Burger King 10 OCAHO 1154 (2012)
Form of

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1089 (2003)

Generally

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

In re Investigation of Carolina Employers Association, Subpoena 3 OCAHO 455 (1992)

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 1089 (2003)

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 493 (1993)

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)

Robert Y. Chu v. Fujitsu Network Transmission System, Inc. 4 OCAHO 678 (1994)

Sellaro v. Elektra Records 3 OCAHO 495 (1993)

United States v. Alberta Sosa, Inc. 5 OCAHO 731 (1995)

United States v. Creation & Innovation 3 OCAHO 527 (1993)

United States v. Cristina Galeas 5 OCAHO 790 (1995)

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. Feliciano Leon-Gutierrez 6 OCAHO 875 (1996)

United States v. Guardsmark 4 OCAHO 614 (1994)

United States v. Northwest Airlines, Inc. 3 OCAHO 452 (1992)

United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 492 (1993)

United States v. SDI Industries, Inc. 3 OCAHO 465 (1992)

Inference

United States v. Nu Look Cleaners of Pembroke Pines, Inc. 1 OCAHO 202 (1990)

Intervene

Hernandez v. Farley Candy Company 5 OCAHO 765 (1995)

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 2 OCAHO 341 (1991)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 228 (1990)
Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)
Joint Dismissal

LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)
Judgment on the Pleadings

United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 563 (1993)
Limine

United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 368 (1991)
United States v. Westwind Farms, Inc. 1 OCAHO 171 (1990)
More Definite Statement

United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant 5 OCAHO 723 (1995)
United States v. Feliciano Aguas-Avalos 4 OCAHO 642 (1994)
Motion for Summary Decision Treated As Motion to Dismiss

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
Motion to Dismiss

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)
Motion to Strike

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)
Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)

Joan A. Lardy v. United Airlines, Inc.	3	OCAHO	493	(1993)
United States v. Alberta Sosa, Inc.	5	OCAHO	739	(1995)
United States v. Applied Computer Technology	2	OCAHO	306	(1991)
United States v. Armando Alvarez-Suarez	4	OCAHO	655	(1994)
United States v. Azteca Restaurant, Northgate	1	OCAHO	33	(1988)
United States v. Boah Fashion, Corporation	1	OCAHO	281	(1990)
United States v. Broadway Tire, Inc.	1	OCAHO	226	(1990)
United States v. Capitol Arts & Frames, Inc.	1	OCAHO	229	(1990)
United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant	5	OCAHO	723	(1995)
United States v. David Jenkins	4	OCAHO	649	(1994)
United States v. Desert Palace, Inc.	9	OCAHO	1067	(2001)
United States v. Diamond Construction, Inc.	3	OCAHO	456	(1992)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares	2	OCAHO	387	(1991)
United States v. Fairfield Jersey, Inc.	9	OCAHO	1072	(2001)
United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)
United States v. Gregorio Alabada Makilan	4	OCAHO	610	(1994)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4	OCAHO	670	(1994)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. LFW Dairy Corporation	10	OCAHO	1129	(2009)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Martina Limon-Perez	5	OCAHO	796	(1995)
United States v. Minaco Fashions, Inc.	3	OCAHO	534	(1993)
United States v. Mourad Abu Remileh	4	OCAHO	706	(1994)
United States v. Multimatic Products, Inc.	1	OCAHO	221	(1990)
United States v. Northern Michigan Fruit Company	4	OCAHO	667	(1994)
United States v. Oscar Eduardo Villatoro-Guzman	3	OCAHO	540	(1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)

United States v. Samuel J. Wasem, General Partner d/b/a Educated Car Wash	1 OCAHO	98	(1989)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	533	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3 OCAHO	563	(1993)
United States v. Tuttle's Design Build, Inc.	2 OCAHO	370	(1991)
United States v. U.S. Style, Inc.	5 OCAHO	793	(1995)
United States v. Walia's, Inc. d/b/a Walia's Restaurant	1 OCAHO	122	(1990)
Evidence			
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1093	(2003)
Good Faith Defense			
United States v. Patrol & Guard Enterprises, Inc.	8 OCAHO	1040	(2000)
Motion(s) to Quash			
United States v. Edith Fine	1 OCAHO	89	(1989)
Posthearing Motion			
Juan Manuel Alamprese v. MNSH, Inc.	9 OCAHO	1094	(2003)
Prehearing Motion			
United States v. David Jenkins	4 OCAHO	649	(1994)
Reconsideration			
Stephen A. Lewis v. Ogden Services	2 OCAHO	384	(1991)
United States v. Burns and Intra-Continental Enterprises	5 OCAHO	768	(1995)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1098	(2003)
United States v. Four Star Knitting, Inc.	5 OCAHO	815	(1995)
United States v. Gauriel Vanounou d/b/a Surf's Up Custom T-Shirts	1 OCAHO	730	(1989)
United States v. Min Goldblatt & Sons, Inc. t/a J.J.L.C.	1 OCAHO	170	(1990)
United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation	3 OCAHO	502	(1993)
United States v. New Peking, Inc. d/b/a New Peking Chinese Restaurant	2 OCAHO	339	(1991)

United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 312 (1991)
United States v. PPJV, Inc. d/b/a Publishers Press 2 OCAHO 373 (1991)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company 1 OCAHO 201 (1990)
United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)
United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 104 (1989)
Final Order
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)
Re-Open Case
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 603 (1994)
Requests Are Required to Be Made By Motion
United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)
Sanctions
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1091 (2003)
Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 493 (1993)
United States v. David Day d/b/a David Day Masonry 3 OCAHO 553 (1993)
United States v. Giamblis Enterprises 5 OCAHO 817 (1995)
United States v. John W. Guewell & Alfred P. Cooper d/b/a Wagco Security Services 3 OCAHO 444 (1992)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners 3 OCAHO 472 (1992)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 3 OCAHO 560 (1993)
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)
Subject Matter Jurisdiction
Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Esther Din Brooks v. Watts Window World	3	OCAHO	570	(1993)
Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos	10	OCAHO	1126	(2008)

Summary Decision

Carlos Aciar v. Rosen's Delicatessen	9	OCAHO	1086	(2002)
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)
Elodia Guzman v. Yakima Fruit & Cold Storage	9	OCAHO	1066	(2001)
Ephrain Manuel Berlanga v. Butterball Company	4	OCAHO	669	(1994)
Florinda Kattan v. Union League Club of Chicago	3	OCAHO	586	(1993)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1127	(2007)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1110	(2004)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Natasha Dionne Humphries v. PalmOne	9	OCAHO	1112	(2004)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	624	(1994)
United States v. Fairfield Jersey, Inc.	9	OCAHO	1069	(2001)
United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9	OCAHO	1092	(2003)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4	OCAHO	660	(1994)

Supplemental

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

Linda S. Walker v. United Airlines, Inc. 6 OCAHO 856 (1996)

Withdrawal

United States v. Auburn University 4 OCAHO 662 (1994)

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Maria Celia Aispuro-Nunez 5 OCAHO 745 (1995)

United States v. Mark's Electrical Contracting Corporation 4 OCAHO 641 (1994)

United States v. Midtown Fashion, Inc. 4 OCAHO 657 (1994)

United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)

United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels 3 OCAHO 589 (1993)

MOTIONS TO COMPEL

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

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

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

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

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

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

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

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

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

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

Opposing Party Bears Burden of Persuasion

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

Opposing Party Must Specify Objections and Demonstrate That Objections Are Justified

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

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

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

NATIONAL ORIGIN

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

Claims Against Employers With Fifteen or More Employees Not Within Scope of Section 1324b

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

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)

Claims Against Employers With Fifteen or More Employees Should Be Referred to EEOC

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

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)

Jurisdiction

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

Christine Delarese Stubbs v. Desoto Hilton, Maryland Hospitality, Inc. 8 OCAHO 1005 (1998)

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

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

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc. 7 OCAHO 943 (1997)

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

Howard Eugene McNier v. San Francisco State University College of Business	7 OCAHO	947	(1997)
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering	4 OCAHO	648	(1994)
Jose Pablo Martinez v. Superior Linen	10 OCAHO	1180	(2013)
Kevin Raffay v. Western Digital	10 OCAHO	1159	(2012)
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)
Mr. Doron Tal v. M. L. Energia, Inc.	4 OCAHO	705	(1994)
Robert S. Mathews v. Goodyear Tire & Rubber Company	7 OCAHO	929	(1997)
Tina B. Boyd v. Amzi Sherling, DDS	6 OCAHO	916	(1997)
Travis John Guth v. Kaiser Permanente Hawaii	10 OCAHO	1190	(2013)
United States v. Shirley Fuimoto, Hawaii Government Employees Association	7 OCAHO	937	(1997)

NOTICE

Appearance

Johnson v. Florida Power Corporation	7 OCAHO	981	(1997)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2 OCAHO	334	(1991)
United States v. Elena Finishing, Inc.	1 OCAHO	132	(1990)
United States v. Esther Flores-Martinez	4 OCAHO	647	(1994)
United States v. Green Plaza, Inc.	4 OCAHO	618	(1994)
United States v. Gus and Candy Kirk d/b/a Kirk Enterprises	1 OCAHO	72	(1989)
United States v. Koamerican Trading Corporation	1 OCAHO	63	(1989)
United States v. Manuel Medina, Jr., Individually d/b/a The Montana Hideaway	3 OCAHO	485	(1993)
United States v. Mourad Abu Remileh	4 OCAHO	680	(1994)

Bifurcation

United States v. Mid-Island Jericho Motel, Inc. d/b/a Ramada Inn	3 OCAHO	468	(1992)

Separate Proceeding to Assess Civil Penalties

United States v. Anders Kampe d/b/a Kampe Motors, Ltd. 3 OCAHO 462 (1992)

Completion of I-9 after Notice of Inspection

Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)

Generally

United States v. Big Bear Market 1 OCAHO 48 (1989)

United States v. Big Bear Market 1 OCAHO 49 (1989)

United States v. David Day d/b/a David Day Masonry 3 OCAHO 514 (1993)

United States v. Elena Finishing, Inc. 1 OCAHO 132 (1990)

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. Italy Department Store, Inc. 6 OCAHO 847 (1996)

United States v. Jupiter Crab Company Restaurant 1 OCAHO 6 (1988)

United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant 1 OCAHO 45 (1989)

United States v. Maka's Akamai Service 1 OCAHO 36 (1988)

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

United States v. Mester Manufacturing Company 1 OCAHO 18 (1988)

United States v. YES Industries d/b/a Soft Touch Carwash 1 OCAHO 198 (1990)

Hearing(s)

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)

United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient 3 OCAHO 512 (1993)

United States v. Midtown Fashion, Inc. 4 OCAHO 665 (1994)

United States v. Sea Dart Trading Corporation 2 OCAHO 336 (1991)

Inspection

United States v. Cindy L. Golchuk d/b/a Rancho Sierra Drywall 2 OCAHO 353 (1991)

United States v. Earl & Beverly McDougal d/b/a Grand Tradition 4 OCAHO 687 (1994)
United States v. Goldenfield Corporation d/b/a Rodeway Inn 2 OCAHO 321 (1991)
United States v. Land Coast Insulation, Inc. 2 OCAHO 379 (1991)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant 3 OCAHO 412 (1993)
Legal Rights

United States v. Israel Velasquez-Tabir 6 OCAHO 872 (1996)
United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)
Letter of Determination

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
Notice of Inspection

United States v. Big Bear Market 1 OCAHO 48 (1989)
United States v. Citizens Utilities Company, Inc., Telephone Division 1 OCAHO 161 (1990)
United States v. Gauriel Vanounou d/b/a Surf's Up Custom T-Shirts 1 OCAHO 54 (1989)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant 1 OCAHO 130 (1989)
United States v. Stanford Sign and Awning, Inc. 10 OCAHO 1145 (2012)
Notice of Subpoena

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
United States v. Harris Ranch Beef Company 2 OCAHO 302 (1991)
Respondent

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
Service

United States v. Honorio Carmona-Anica 5 OCAHO 770 (1995)

Statute of Limitations

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

Subpoena

In re Investigation of Florida Rural Legal Services, Subpoena 3 OCAHO 428 (1992)

In re Investigation of Wal-Mart Stores, Subpoena 5 OCAHO 754 (1995)

Summary Decision

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

Duty to Pro Se Party

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

Telephonic Conference(s)

United States v. Jupiter Crab Company Restaurant 1 OCAHO 6 (1988)

Ten Day Notice Rule

United States v. Auburn University 3 OCAHO 564 (1993)

United States v. Frank's Meat Company, a Sole Proprietorship 3 OCAHO 513 (1993)

OFFICE OF SPECIAL COUNSEL

Charge

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1031 (1999)

Elodia Guzman v. Yakima Fruit & Cold Storage 9 OCAHO 1066 (2001)

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Citizenship Status

Frank Farzin Nickman v. Mesa Air Group 9 OCAHO 1113 (2004)

Civil Money Penalty

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

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

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

Complaint

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Document Abuse

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

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

Ex Parte Communication(s)

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

Filing of EEOC Charge Does Not Toll Limitations Period for Filing of OSC Charge

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

Filing of EEOC Charge Is Not A Condition Precedent to Filing of OSC Charge

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

Generally

Alexsandr Yakubson v. Effective Security 6 OCAHO 858 (1996)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc. 3 OCAHO 484 (1993)
Jaycee George v. Bridgeport Jai-Alai, Inc. 3 OCAHO 537 (1993)
Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 466 (1992)
United States v. McDonnell Douglas Corporation 3 OCAHO 507 (1993)
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

Intervenor

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)
United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

Investigation(s)

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1049 (2000)
In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

Investigatory Period

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1048 (2000)
Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

Jurisdiction

In re Investigation of Hyatt Regency Lake Tahoe, Subpoena 5 OCAHO 751 (1995)
Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
United States v. Great Earth Companies, Inc. 9 OCAHO 1070 (2001)
United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1052 (2000)

Complaint(s)

United States v. IBP, Inc. 7 OCAHO 900 (1997)

Letter of Determination

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

United States v. IBP, Inc. 7 OCAHO 900 (1997)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

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

Memorandum of Understanding (MOU)

Bunn v. USX/US Steel 7 OCAHO 985 (1998)

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

United States v. Auburn University 4 OCAHO 617 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 879 (1996)

Notification

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

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

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

United States v. Pancho's Mexican Buffet, Inc. 4 OCAHO 632 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
Public Notice

United States v. Agripac, Inc. 8 OCAHO 1012 (1998)
Retaliation

Jose Danilo Cruz v. Able Service Contractors, Inc. 6 OCAHO 837 (1996)
Sanctions

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)
Settlement

United States v. New Mexico State Fair 6 OCAHO 898 (1996)
Statute of Limitations

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)
Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)
United States v. Agripac, Inc. 8 OCAHO 1028 (1999)
United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
Subpoena

In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)
In re Investigation of Hyatt Regency Lake Tahoe, Subpoena 5 OCAHO 751 (1995)
In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)
In re Investigation of Norfolk Public Schools, Subpoena 4 OCAHO 621 (1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)
Withdrawal

United States v. Auburn University 4 OCAHO 662 (1994)

OFFICE OF SPECIAL COUNSEL INVESTIGATIONS

Investigations on OSC's Own Initiative May Occur Where There Is No Underlying Charge

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

OCAHO Lacks Authority to Regulate OSC's Prosecutorial Discretion

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

OSC May Investigate On Its Own Initiative Where It Receives DHS Referral

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

Plain reading of OCAHO Rules Does Not Divest OSC of Authority to File Complaint Based on Referral

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

ORDER(S)

Amended

United States v. Felipe, Inc. 1 OCAHO 99 (1989)

United States v. Felipe, Inc. 1 OCAHO 101 (1989)

United States v. Leo Yruegas d/b/a Chito's Mexican Restaurant 1 OCAHO 46 (1989)

United States v. Marcel Watch Corporation 1 OCAHO 169 (1990)

Amended Order Does Not Toll Time Period for Filing Request for Review If Changes Are Only Clerical

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Certification(s)

United States v. Pedro Dominguez 6 OCAHO 876 (1996)

Clarification

Marcos Valencio v. VASP Brazilian Airlines	5	OCAHO	740	(1995)
United States v. Monfort, Inc.	4	OCAHO	597	(1994)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1052	(2000)
Compel Discovery				
Dinko Sefic v. Marconi Wireless	9	OCAHO	1125	(2007)
Iron Workers Local 455 v. Lake Construction & Development Corporation	7	OCAHO	964	(1997)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1087	(2002)
United States v. Diamond Construction, Inc.	3	OCAHO	451	(1992)
United States v. M.C.S.M. Inc. d/b/a Tre Fratelly Restaurant	3	OCAHO	544	(1993)
United States v. Marvlee, Inc.	5	OCAHO	728	(1995)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge	3	OCAHO	560	(1993)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
United States v. Select Temporaries, Inc. d/b/a Select Personnel Services	9	OCAHO	1082	(2002)
Consent				
United States v. IBP, Inc.	5	OCAHO	766	(1995)
United States v. Westin Galleria & Westin Oaks Hotel	4	OCAHO	701	(1994)
Denial of Review				
Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	259	(1990)
Discovery				
Leonid Naginsky v. Department of Defense	5	OCAHO	802	(1995)
Martin A. Holguin v. Dona Ana Fashions	3	OCAHO	582	(1993)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4	OCAHO	613	(1994)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)

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

Dismissal

Elodia Guzman v. Yakima Fruit & Cold Storage 9 OCAHO 1066 (2001)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

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

Pro Se

Elizabeth A. Kalil v. Utica City School District 9 OCAHO 1101 (2003)

Errata/Erratum

Ahmad S. Elhajomar v. City and County of Honolulu 1 OCAHO 248 (1990)

Cristina Escalante v. California Commerce Bank 1 OCAHO 65 (1989)

Jesse Charles Jones v. DeWitt Nursing Home 1 OCAHO 140 (1990)

Martha Navarro Mata v. Bear Creek Production Company 1 OCAHO 241 (1990)

Rafael Prieto v. News World Communications, Inc. 1 OCAHO 177 (1989)

Rafael Prieto v. News World Communications, Inc. 1 OCAHO 178 (1990)

Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation 1 OCAHO 118 (1989)

Syed Fayyaz v. The Sheraton Corporation 1 OCAHO 153 (1990)

Extension of Time

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

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

Final Order

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

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

United States v. Casa Orozco, Inc. 1 OCAHO 92 (1989)

United States v. Danny Mathis d/b/a Mathis Maspory 5 OCAHO 752 (1995)

United States v. Giannini Landscaping, Inc. 3 OCAHO 573 (1993)
United States v. Sophie Valdez d/b/a La Parilla Restaurant 1 OCAHO 91 (1989)
Generally

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)
Interlocutory Appeal

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 829 (1995)
United States v. Power Operating Company 3 OCAHO 561 (1993)
Jury Trial

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 623 (1994)
Non-Compliance

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

Elizabeth A. Kalil v. Utica City School District 9 OCAHO 1101 (2003)
Prehearing

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

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)
Gabriel Niyi Adepitan v. United States Postal Service 3 OCAHO 416 (1991)
In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 3 OCAHO 415 (1991)
Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)
Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)

United States v. Agripac, Inc. 8 OCAHO 1012 (1998)
United States v. Alberta Sosa, Inc. 5 OCAHO 731 (1995)
United States v. Guardsmark 4 OCAHO 614 (1994)
United States v. Harris Ranch Beef Company 2 OCAHO 302 (1991)
United States v. James Arnold, Individually and d/b/a Fiesta/Bonanza Motors 1 OCAHO 119 (1989)
United States v. R & C Tours (Guam), Inc. 2 OCAHO 393 (1989)
United States v. Roberto C. Davila 6 OCAHO 902 (1996)
United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 555 (1993)
United States v. San Diego Semiconductors, Inc. 1 OCAHO 180 (1990)
United States v. Tuttle's Design Build, Inc. 3 OCAHO 422 (1992)
United States v. William D. Clark d/b/a Tidwell Medical Center 5 OCAHO 771 (1995)

Reconsideration

United States v. Alberto Noriega-Perez 5 OCAHO 811 (1995)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)

Final Order

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1098 (2003)

Restraining

Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 196 (1990)
Anthony F. Lundy v. OOCL, Inc. 1 OCAHO 215 (1990)

Sanctions

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1091 (2003)
United States v. Alberto Noriega-Perez 5 OCAHO 811 (1995)

Setting Aside Order

United States v. Monica Zapata-Cosio 4 OCAHO 685 (1994)

Show Cause

Carlos Alfredo Osorno v. Cesar Geraldo, Owner, Reliable Graphics, Inc. 1 OCAHO 251 (1990)
Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 374 (1991)
Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)
Jairo Diaz v. Canteen Corporation 2 OCAHO 332 (1991)
Lazaro Antonio Arrieta v. Michigan Employment Security Commission 3 OCAHO 471 (1992)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott) 3 OCAHO 508 (1993)
Mr. Doron Tal v. M. L. Energia, Inc. 3 OCAHO 519 (1993)
Stephen A. Lewis v. Ogden Services 2 OCAHO 375 (1991)
Troncoso v. Ferlin Service Industries 1 OCAHO 110 (1989)
United States v. Abel Galvez-Malgarejo 4 OCAHO 684 (1994)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Armando Alvarez-Suarez 4 OCAHO 699 (1994)
United States v. Auburn University 4 OCAHO 658 (1994)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio 4 OCAHO 719 (1994)
United States v. Bubble Fashions Company, Inc. d/b/a Hi-Tide Fashions 2 OCAHO 355 (1991)
United States v. Diamond Construction, Inc. 3 OCAHO 451 (1992)
United States v. Elena Finishing, Inc. 1 OCAHO 132 (1990)
United States v. Flat Knitting Mills Company, Inc. 2 OCAHO 317 (1991)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner 4 OCAHO 681 (1994)
United States v. John Morales d/b/a Riverside Insulation 1 OCAHO 197 (1990)
United States v. M.C.S.M. Inc. d/b/a Tre Fratelly Restaurant 3 OCAHO 544 (1993)
United States v. McDonnell Douglas Corporation 4 OCAHO 616 (1994)
United States v. Mireya Pedraza-Guzman 5 OCAHO 792 (1995)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 1 OCAHO 292 (1991)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 318 (1991)

United States v. Redi-Cut Foods, Inc.	4 OCAHO	659	(1994)
United States v. Sea Dart Trading Corporation	2 OCAHO	336	(1991)
United States v. South Bay Auto Detail	1 OCAHO	68	(1989)
United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels	4 OCAHO	634	(1994)
United States v. Zeferino Castillo, Individually	3 OCAHO	505	(1993)
United States v. Ziagul Zekreya	4 OCAHO	677	(1994)
United States v. Ziagul Zekreya	4 OCAHO	683	(1994)
Sanction(s)			
Jose Proto Alcaraz v. General Motors Corporation	7 OCAHO	962	(1997)
Summary Decision			
Celia Simon v. Ingram Micro, Inc.	9 OCAHO	1088	(2003)
Daniel Joseph Bendig v. Conoco, Inc.	9 OCAHO	1077	(2001)
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
Elodia Guzman v. Yakima Fruit & Cold Storage	9 OCAHO	1066	(2001)
Guy Santiglia v. Sun Microsystems, Inc.	9 OCAHO	1110	(2004)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1093	(2003)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC	9 OCAHO	1092	(2003)
Supplemental			
United States v. Big Bear Market	1 OCAHO	49	(1989)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1098	(2003)
Unpublished			
Josh Kupferberg v. Oklahoma City Veterans Affairs Medical Center	4 OCAHO	689	(1994)
Josh Kupferberg v. University of Oklahoma Health Sciences Center	4 OCAHO	689	(1994)

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

PAPERWORK REQUIREMENT(S)/VIOLATION(S)

Absent Extension of Time, Employer Cannot Avoid Liability by Submitting I-9s Later in Process

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

Admission(s)

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

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

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

Affirmative Defense(s)

United States v. Barnett Taylor, LLC, d/b/a Burger King 10 OCAHO 1155 (2012)

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

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

All Substantive Violations Are Potentially Serious

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Cease and Desist

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

Civil Money Penalty

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. Davis Nursery, Inc. 4 OCAHO 694 (1994)

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

United States v. El Azteca Dunkirk, Inc. 10 OCAHO 1172 (2013)

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

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 5 OCAHO 817 (1995)

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

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

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. La Hacienda Mexican Café 10 OCAHO 1167 (2013)

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

United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)

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

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

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)

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)

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

Factor(s)

United States v. Irma Hernandez 8 OCAHO 1043 (2000)

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

Civil Penalties

United States v. Jabil Circuit, Inc. 10 OCAHO 1146 (2012)

Completion

United States v. Big Bear Market 1 OCAHO 48 (1989)

United States v. Boo Bears Den 1 OCAHO 71 (1989)

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant 1 OCAHO 130 (1989)
United States v. Mester Manufacturing Company 1 OCAHO 18 (1988)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers 1 OCAHO 154 (1990)
United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)
Completion of I-9 for Employee Who Works Fewer Than Three Business Days

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)
Compliance

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 886 (1996)
Continuing Violation(s)

United States v. Curran Engineering Company, Inc. 7 OCAHO 975 (1997)
United States v. Rupson of Hyde Park, Inc. d/b/a Super 8 Motel, Hyde Park 7 OCAHO 940 (1997)
United States v. WSC Plumbing, Inc. 9 OCAHO 1071 (2001)
Affirmative Defense(s)
United States v. WSC Plumbing, Inc. 9 OCAHO 1061 (2000)
Copying and Attaching Verification Documents Without Properly Completing Form I-9

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)
Copying Employment Eligibility Documents Doesn't Excuse Employer's Failure to Complete Section 2

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
Copying Verification Documents

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

United States v. Seven Elephants Distributing Corp. 10 OCAHO 1173 (2013)

Creation of False Section 2 Attestations Is Substantive Violation

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

Default

United States v. Alliance Construction, Inc. 7 OCAHO 983 (1998)

Defense(s)

United States v. Alberta Sosa, Inc. 4 OCAHO 720 (1994)

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)

United States v. Anthony Borrelli and Sons, Inc. 8 OCAHO 1027 (1999)

United States v. Chi Ling, Inc. d/b/a Chi Ling Chinese Restaurant 5 OCAHO 723 (1995)

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

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

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

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

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

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

United States v. Local Building & Remodeling of International Falls 3 OCAHO 567 (1993)

United States v. Manuel Orozco-Minjares 4 OCAHO 606 (1994)

United States v. Northern Michigan Fruit Company 4 OCAHO 667 (1994)

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

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

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

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

Employee's Documents Are To Be Independently Verified By the Employer, Not By the Employee

United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)

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. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Employee's Failure to Complete Citizenship Attestation Constitutes Serious Substantive Violation

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

Employees Must Attest to Specific Category of Employment Eligibility in Which They Fit

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)

Employer Cannot Avoid Liability by Submitting I-9s After the Deadline Unless Extension is Granted

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Employer is Liable for Only One Violation Per Form I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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

Employer Must Complete Form I-9 Section 2 Within 3 Business Days of Employee's First Day of Work

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Employer Must Ensure Employee Completes and Signs Form I-9 Section 1 On Date of Hire

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

United States v. Cafe Camino Real, Inc.	2 OCAHO	307	(1991)
United States v. Diversified Technology and Services of Virginia, Inc.	9 OCAHO	1095	(2003)
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. New Peking, Inc. d/b/a New Peking Chinese Restaurant	2 OCAHO	329	(1991)
United States v. Oscar Chacon, Sr.	3 OCAHO	578	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2 OCAHO	354	(1991)
United States v. Rosario Strano d/b/a Strano Farms	3 OCAHO	492	(1993)
United States v. Wood 'N Stuff	3 OCAHO	574	(1993)
Form I-9			
United States v. 4431, Inc. t/a Candlelight Inn	4 OCAHO	611	(1994)
United States v. Burns and Intra-Continental Enterprises	5 OCAHO	768	(1995)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5 OCAHO	794	(1995)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4 OCAHO	608	(1994)
United States v. Corporate Loss Prevention Associates, Ltd.	6 OCAHO	908	(1997)
United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. El Paso Hospitality, Inc.	5 OCAHO	737	(1995)
United States v. Enrique Reyes d/b/a King's Produce	4 OCAHO	592	(1994)
United States v. Giamblis Enterprises	5 OCAHO	817	(1995)
United States v. GRS, Inc. d/b/a Gasket Engineering	4 OCAHO	627	(1994)
United States v. Hosung Cleaning Corporation d/b/a Sun Cleaner	4 OCAHO	670	(1994)
United States v. Karnival Fashion, Inc.	5 OCAHO	769	(1995)
United States v. Manuel Orozco-Minjares	4 OCAHO	606	(1994)
United States v. R&M Fashion, Inc.	6 OCAHO	826	(1995)
United States v. Tri-Component Product Corporation	5 OCAHO	821	(1995)
United States v. Vogue Pleating, Stitching & Embroidery Corporation	5 OCAHO	782	(1995)

Generally

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

Employer's Failure to Ensure Employee Attests to Status in Section 1 is a Substantive Violation

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

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)

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

Employers Must Prepare and Retain Forms I-9 for Employees Hired After November 6, 1986

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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)

Examing Copies of Employee Documents Insufficient Where Law Requires Examination of Originals

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

Factors

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

Failure to Complete and Sign Section 2 of Form I-9 Is Both Substantive and Serious Violation

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

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

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

Failure to Complete Employment Eligibility Verification Form I-9 Constitutes Serious Violation

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

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

Failure to Complete I-9 Form for Employee Who Works Fewer Than Three Business Days

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

Failure to Complete I-9 Within Three Business Days

Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)

United States v. Anodizing Industries, Inc. 10 OCAHO 1184 (2013)

United States v. Modern Disposal Incorporated 10 OCAHO 1175 (2013)

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

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

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

Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

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

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. Niche, Inc. 11 OCAHO 1250 (2015)

Failure to Ensure Employee Checks Box Attesting to Immigration Status is Serious Violation

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

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

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 Form I-9 Section 1 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

Failure to Ensure Employee Signs Form I-9 Section 1 is a Substantive Failure

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

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

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

Failure to Identify Issuing Authority In Form I-9 Section 2 Is A Serious Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Failure to Prepare

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 877 (1996)

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

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

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

United States v. Clean Sweep Janitor Service	11	OCAHO	1226	(2014)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Golden Employment Group, Inc.	12	OCAHO	1277	(2016)
United States v. Golf International d/b/a Desert Canyon Golf	11	OCAHO	1222	(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. Horno MSJ, Ltd., Company	11	OCAHO	1247	(2015)
United States v. Keegan Varitey, LLC	11	OCAHO	1238	(2014)
United States v. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)
United States v. Safe-Air of Illinois, Inc.	12	OCAHO	1270	(2016)

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

United States v. Buffalo Transportation, Inc.	11	OCAHO	1263	(2015)
United States v. Clean Sweep Janitor Service	11	OCAHO	1226	(2014)
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)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc.	11	OCAHO	1263	(2015)
United States v. Kenneth McPeek Racing Stables, Inc.	11	OCAHO	1249	(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. Speedy Gonzalez Construction, Inc.	11	OCAHO	1243	(2015)

Failure to Present Forms I-9 Within Three Days of Government's Request

United States v. A&J Kyoto Japanese Restaurant, Inc. 10 OCAHO 1186 (2013)
United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
United States v. The Red Coach Restaurant, Inc. 10 OCAHO 1195 (2013)
Failure to Present Timely Prepared I-9 Forms is a Serious Violation

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Failure to Properly Complete Employer Verification in Section 2 Constitutes Substantive Violation

United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)
Failure to Properly Complete I-9 Less Serious Than Failure to Prepare or Present I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)
Failure to Properly Complete Section 2 of the Form I-9 is a 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)
Failure to Properly Complete Section 2 of the Form I-9 is a Very Serious Violation

United States v. New Outlook Homecare, LLC 10 OCAHO 1210 (2014)
Failure to Properly Verify Documents in Form I-9 Section 2 Is Serious and Substantive Violation

United States v. Horno MSJ, Ltd., Company 11 OCAHO 1247 (2015)
Failure to Reverify Employment Authorization Document Before Expiration Date Constitutes Violation

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

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Homestead Metal Recycling Corp. 11 OCAHO 1251 (2015)

Failure to Timely Prepare Form I-9 is Both Substantive and Serious Violation

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

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

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

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

For Employee Rehired Within 3 Years, Previous I-9 Can Be Used In Lieu of Completing a New I-9

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Form I-9

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

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

Form I-9 Section 2 Is the Heart of the Employment Eligibility Verification Process

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Generally

United States v. Aegis Fashion, Inc. 1 OCAHO 239 (1990)
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. Bayley's Quality Seafoods, Inc. 1 OCAHO 238 (1990)
United States v. Big Bear Market 1 OCAHO 48 (1989)
United States v. Broadway Tire, Inc. 2 OCAHO 310 (1991)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)
United States v. Burns and Intra-Continental Enterprises 4 OCAHO 679 (1994)
United States v. Business Teleconsultants, Ltd. 3 OCAHO 536 (1993)
United States v. Business Teleconsultants, Ltd. 3 OCAHO 565 (1993)
United States v. Cafe Camino Real, Inc. 2 OCAHO 307 (1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant 2 OCAHO 369 (1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)
United States v. Christie Automotive Products 2 OCAHO 361 (1991)
United States v. Collins Food International, Inc. d/b/a Sizzler Restaurant 1 OCAHO 67 (1989)
United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 908 (1997)
United States v. Curran Engineering Company, Inc. 7 OCAHO 975 (1997)
United States v. David Day d/b/a David Day Masonry 3 OCAHO 575 (1993)
United States v. Diamond Construction, Inc. 3 OCAHO 456 (1992)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Dubois Farms, Inc. 1 OCAHO 242 (1990)
United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)
United States v. Eagles Groups, Inc. d/b/a Golden Eagle Services 2 OCAHO 342 (1991)
United States v. Ebrahim Banafsheha 3 OCAHO 525 (1993)
United States v. Ed Valencia & Sons, Inc. d/b/a Valladares 2 OCAHO 316 (1992)

United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)
United States v. Eduardo Gutierrez, Individually and d/b/a Diamond Tires and Wheels	3	OCAHO	554	(1993)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Felipe, Inc.	1	OCAHO	93	(1989)
United States v. Four Seasons Earthworks, Inc.	10	OCAHO	1150	(2012)
United States v. Gerald Hollendorfer	1	OCAHO	175	(1990)
United States v. Giamblis Enterprises	5	OCAHO	817	(1995)
United States v. Giannini Landscaping, Inc.	3	OCAHO	573	(1993)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2	OCAHO	321	(1991)
United States v. Hilario Rodriguez, Jr.	1	OCAHO	276	(1990)
United States v. Honeybake Farms, Inc.	2	OCAHO	311	(1991)
United States v. Interdynamics, Inc.	3	OCAHO	433	(1992)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	260	(1990)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1	OCAHO	264	(1990)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3	OCAHO	499	(1993)
United States v. Juan V. Acevedo	1	OCAHO	95	(1989)
United States v. Kangaroo Express of Pueblo	3	OCAHO	581	(1993)
United States v. Land Coast Insulation, Inc.	2	OCAHO	379	(1991)
United States v. Local Building & Remodeling of International Falls	3	OCAHO	567	(1993)
United States v. Lola O'Brien Oil d/b/a O'Brien Oil Company	1	OCAHO	166	(1990)
United States v. Lorenzo Robles d/b/a Lorenzo Robles Roofing and Construction	2	OCAHO	309	(1991)
United States v. M.T.S. Service Corporation d/b/a Maggie's Catering Mexico Tipico Restaurant	3	OCAHO	448	(1992)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1	OCAHO	130	(1989)
United States v. Mario Saikhon, Inc.	1	OCAHO	279	(1990)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company	7	OCAHO	931	(1997)
United States v. Min Goldblatt & Sons, Inc. t/a Richfield Caterers	1	OCAHO	154	(1990)
United States v. Minaco Fashions, Inc.	3	OCAHO	587	(1993)
United States v. Nevada Lifestyles, Inc. d/b/a Commercial Drapery Cleaners	3	OCAHO	518	(1993)

United States v. New China Buffet Restaurant	10	OCAHO	1133	(2010)
United States v. New El Rey Sausage Company	1	OCAHO	785	(1989)
United States v. Noel Plastering & Stucco, Inc.	3	OCAHO	427	(1992)
United States v. Oscar Chacon, Sr.	3	OCAHO	578	(1993)
United States v. Park Sunset Hotel	3	OCAHO	525	(1993)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	354	(1991)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Robert Marnul d/b/a Lamont Street Grill	3	OCAHO	441	(1992)
United States v. Robert Watson d/b/a North State Tile Company	1	OCAHO	253	(1990)
United States v. Ronning Landscaping, Inc.	10	OCAHO	1149	(2012)
United States v. Rosario Strano d/b/a Strano Farms	3	OCAHO	492	(1993)
United States v. SDI Industries, Inc.	3	OCAHO	465	(1992)
United States v. Silver Cloud Investments, Inc. d/b/a Silver Clouds Restaurant	3	OCAHO	509	(1993)
United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii	6	OCAHO	848	(1996)
United States v. South Masonry Fencing Company	1	OCAHO	4	(1988)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	533	(1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations	3	OCAHO	563	(1993)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	412	(1993)
United States v. Tuttle's Design Build, Inc.	2	OCAHO	370	(1991)
United States v. Tuttle's Design Build, Inc.	3	OCAHO	422	(1992)
United States v. USA Café	1	OCAHO	42	(1989)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets	3	OCAHO	399	(1992)
United States v. William and Maria Sievert	1	OCAHO	294	(1991)
United States v. Wood 'N Stuff	3	OCAHO	574	(1993)

Good Faith Compliance

Technical or Procedural Verification Failures

United States v. Stanford Sign and Awning, Inc. 10 OCAHO 1145 (2012)
United States v. WSC Plumbing, Inc. 9 OCAHO 1062 (2000)
United States v. WSC Plumbing, Inc. 9 OCAHO 1071 (2001)
Government Refusal of Documents Deprived Employer of Opportunity to Correct Technical Violations

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
I-9 Retention Required for 3 Years After Hire or 1 Year After Termination, Whichever Is Later

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
I-9 Retention Requirement for Former Employees

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
United States v. March Construction, Inc. 10 OCAHO 1158 (2012)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)
I-9s To Be Examined Are Those Presented in Response to NOI, Not I-9s Produced Thereafter

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)
Ignorance of Statutory Requirements

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. Onion River Sports, Inc. 4 OCAHO 673 (1994)
Impossibility Not Available As Defense When Destruction of I-9s Is Due To Employer's Own Actions

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

Lack of Issuing Authority for a Driver's License in Section 2 is a Substantive Violation

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)

Liability

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

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

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

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

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

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

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

United States v. Skydive Academy of Hawaii Corporation d/b/a Skydive Hawaii 6 OCAHO 848 (1996)

Location

United States v. Dubois Farms, Inc. 2 OCAHO 376 (1991)

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

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

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

Mitigation

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

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

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

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)

United States v. Zip City Partner, L.P. d/b/a Zip City Brewing 7 OCAHO 965 (1997)

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)

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)

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)

Rules for Completion of I-9 for Employee Who Works Fewer Than Three Business Days

United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)

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

Section 2 - Expired Documents

United States v. Silverado Stages, Inc. 10 OCAHO 1182 (2013)
Statute Aimed At All Employers, Not Just Traffickers or Those Who Hire Unauthorized Workers

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

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 984 (1998)
Systematically Executing False Attestations in Section 2 Is Very Serious Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
The Longer the Delay In Preparing a Form I-9, The More Serious the Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
Untimely Filing

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 984 (1998)
Untimely Produced Documents Don't Excuse Substantive Errors in I-9s Presented During Inspection

Ketchikan Drywall Services, Inc. v. Immigration and Customs Enforcement; Office of the Chief Administrative Hearing Officer 10 OCAHO 1201 (2013)
Variety of Violations May Be Sufficiently Egregious to Merit Penalties Near Statutory Maximum

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

PARTIES

Class Action

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)
Joan A. Lardy v. United Airlines, Inc. 6 OCAHO 843 (1996)
Jose E. Birisno Briceno-Briceno v. Farmco Farms 4 OCAHO 629 (1994)
Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)
United States v. Zabala Vineyards 6 OCAHO 830 (1995)
Complaint

United States v. Auburn University 4 OCAHO 646 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
Corporation(s)

Mr. Doron Tal v. M. L. Energia, Inc. 4 OCAHO 639 (1994)
Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation 3 OCAHO 407 (1992)
Generally

Alan Rusk v. Northrop Corporation and Department of Defense 4 OCAHO 607 (1994)
Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 668 (1994)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
United States v. McDonnell Douglas Corporation 3 OCAHO 507 (1993)
Hearing(s)

Hernandez v. Farley Candy Company 5 OCAHO 781 (1995)
Individual Capacity

Howard Eugene McNier v. San Francisco State University College of Business 8 OCAHO 1030 (1999)
Mr. Doron Tal v. M. L. Energia, Inc. 4 OCAHO 639 (1994)

Interpleader of DHS Unwarranted in Case Under 8 U.S.C. Section 1324b

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)

Intervenor

Hernandez v. Farley Candy Company 5 OCAHO 810 (1995)

Permissive Joinder

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)

United States v. WSC Plumbing, Inc. 8 OCAHO 1045 (2000)

Prevailing

Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)

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

Settlement

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

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

United States v. New Mexico State Fair 6 OCAHO 898 (1996)

Stipulation

Malek Ebrahim Hatam v. Mr. Nasser Zaghi, Park General, Inc. 1 OCAHO 160 (1990)

United States v. McDonnell Douglas Corporation 2 OCAHO 380 (1991)

Subpoena

In re Investigation of Valley Crest Tree Company, Subpoena 3 OCAHO 579 (1993)

Successorship Liability

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Union(s)

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

Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation 1 OCAHO 107 (1989)

PATTERN OR PRACTICE

Civil Money Penalty

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

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

Document Abuse

United States v. Mar-Jac Poultry, Inc. 10 OCAHO 1148 (2012)

Generally

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)

United States v. A.J. Bart, Inc. 3 OCAHO 538 (1993)

United States v. Agripac, Inc. 8 OCAHO 1012 (1998)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

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

United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation 3 OCAHO 413 (1992)

United States v. Weld County School District 2 OCAHO 326 (1991)

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

Independent Contractor(s)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

Persons Protected

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

United States v. Zabala Vineyards 6 OCAHO 830 (1995)

Proof

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)

PENALTIES

Ability to Pay May Be Appropriate Factor to Consider In Assessing the Amount of the Penalty

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

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

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

Employment of Unauthorized Alien(s)

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

Additional Factors That May Be Considered Are Party's Financials and Leniency to Small Businesses

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Aggravation

United States v. Seven Elephants Distributing Corp. 10 OCAHO 1173 (2013)

ALJ Can Consider Public Policy of Leniency to Small Entities

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

ALJ Can Consider Small Business Act's Policy of Leniency for Businesses Supporting War Effort

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

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
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. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

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

United States v. Durable, Inc. 11 OCAHO 1231 (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 1256 (2015)

ALJ Not Bound by ICE's Method of Calculating Penalties

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

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. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (2014)

Challenge to ICE Formula Inapposite Where Final Penalty Arrived at Independently by ALJ

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

Civil Penalty Assessment for 1324b Cases Looks to the Totality of the Circumstances

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)

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

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

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)
Difference in Seriousness of Violations May Be Reflected in the Final Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)
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)
Double Jeopardy

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)
Employer's Previous Receipt of a Warning Notice Does Not Constitute History of Previous Violations

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Employment of Unauthorized Aliens

United States v. Forsch Polymer Corporation 10 OCAHO 1156 (2012)
United States v. Nebeker, Inc. 10 OCAHO 1165 (2013)
Enhancement Factor Based on Whether Specific Individual was Unauthorized

Margarita Garcia Ocana v. El Dorado Stone, LLC 11 OCAHO 1244 (2015)
United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)
United States v. Liberty Packaging, Inc. 11 OCAHO 1245 (2015)

United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
Evidence of Backdating Does Not Alone Warrant a Finding of Bad Faith

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
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. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
Factors

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Keegan Varitey, LLC 11 OCAHO 1238 (2014)
United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)
United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)
United States v. Two For Seven, LLC d/b/a Black & Blue Restaurant 10 OCAHO 1208 (2014)
Failure to Complete I-9 Within Three Business Days is Serious Violation

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
Failure to Conform Practices to Law After Previous Violations May Constitute Lack of Good Faith

United States v. Durable, Inc. 11 OCAHO 1231 (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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Failure to Prepare Form I-9 Generally Warrants Higher Penalty Than Do Errors or Omissions on Form

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

Failure to Prepare I-9 Among Most Serious Paperwork Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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 Properly Complete I-9 Less Serious Than Failure to Prepare or 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 1232 (2014)

Forms I-9 May Be So Deficient That Violations Are Tantamount to Total Failure to Prepare an I-9

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Generally

United States v. Adolfo Martinez, Jr., Individually d/b/a AAAA Roofing 3 OCAHO 494 (1993)
United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)
United States v. Business Teleconsultants, Ltd. 3 OCAHO 565 (1993)
United States v. Cristina Galeas 5 OCAHO 790 (1995)
United States v. David Day d/b/a David Day Masonry 3 OCAHO 575 (1993)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
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. Gloria Fashions, Inc. 6 OCAHO 887 (1996)
United States v. Hardeep Singh 3 OCAHO 520 (1993)
United States v. Ice Castles Daycare Too, Inc. 10 OCAHO 1142 (2011)
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. 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. Local Building & Remodeling of International Falls 3 OCAHO 567 (1993)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)
United States v. Minaco Fashions, Inc. 3 OCAHO 587 (1993)
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)
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. Oscar Eduardo Villatoro-Guzman	4 OCAHO	652	(1994)
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. 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. 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. Task Force Security, Inc. d/b/a Task Force Security and Investigations	4 OCAHO	625	(1994)
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. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12 OCAHO	1276	(2016)
United States v. Hartmann Studios, Inc.	11 OCAHO	1255	(2015)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)

Good Faith Defense

United States v. DJ Drywall, Inc.	10 OCAHO	1136	(2010)
United States v. LFW Dairy Corporation	10 OCAHO	1129	(2009)
United States v. Morgan's Mexican & Lebanese Foods, Inc.	8 OCAHO	1013	(1998)

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

United States v. Cawoods Produce, Inc.	12 OCAHO	1280	(2016)
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. Kenneth McPeek Racing Stables, Inc.	11 OCAHO	1249	(2015)
United States v. Niche, Inc.	11 OCAHO	1250	(2015)
United States v. Safe-Air of Illinois, Inc.	12 OCAHO	1270	(2016)

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. Buffalo Transportation, Inc.	11	OCAHO	1263	(2015)
United States v. Clean Sweep Janitor Service	11	OCAHO	1226	(2014)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Employer Solutions Staffing Group II, LLC	11	OCAHO	1242	(2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12	OCAHO	1276	(2016)
United States v. Golden Employment Group, Inc.	12	OCAHO	1277	(2016)
United States v. Hair U Wear, LLC	11	OCAHO	1268	(2016)
United States v. Liberty Packaging, Inc.	11	OCAHO	1245	(2015)
United States v. Muniz Concrete & Contracting, Inc.	12	OCAHO	1278	(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11	OCAHO	1253	(2015)
United States v. SKZ Harvesting, Inc.	11	OCAHO	1266	(2016)
United States v. Speedy Gonzalez Construction, Inc.	11	OCAHO	1243	(2015)
United States v. Wave Green, Inc. d/b/a Golden Farm Market	11	OCAHO	1267	(2016)

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)

Government Must Prove Existence of Aggravating Factor by Preponderance of Evidence

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12	OCAHO	1281	(2016)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co.	12	OCAHO	1276	(2016)

ICE Fine Guidelines Have No Binding Effect on OCAHO

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)
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. Speedy Gonzalez Construction, Inc. 11 OCAHO 1243 (2015)

Knowing Hire

United States v. Jonel, Inc. 8 OCAHO 1008 (1998)
United States v. Occupational Resource Management, Inc. 10 OCAHO 1166 (2013)

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. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1232 (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. Kenneth McPeek Racing Stables, Inc. 11 OCAHO 1249 (2015)

Mitigation

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company 5 OCAHO 758 (1995)

United States v. Central Nebraska Packing, Inc.	4 OCAHO	714	(1994)
United States v. Chef Rayko, Inc. d/b/a Chef Rayko's Cucina Italiana	5 OCAHO	803	(1995)
United States v. David Jenkins	5 OCAHO	743	(1995)
United States v. Draper-King Cole, Inc.	7 OCAHO	933	(1997)
United States v. Enrique Reyes d/b/a King's Produce	4 OCAHO	592	(1994)
United States v. Exim, Inc. and Jaime Monardes, Individually	4 OCAHO	604	(1994)
United States v. Hugh Jeffrey Fox d/b/a Frank & Stein	5 OCAHO	756	(1995)
United States v. Kerry J. Vicker d/b/a SNB Cleaning	5 OCAHO	819	(1995)
United States v. Morgan's Mexican & Lebanese Foods, Inc.	8 OCAHO	1013	(1998)
United States v. Orlando Diaz-Rosas	4 OCAHO	702	(1994)
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. 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)

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. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles	12 OCAHO	1281	(2016)
United States v. Liberty Packaging, Inc.	11 OCAHO	1245	(2015)
United States v. Muniz Concrete & Contracting, Inc.	12 OCAHO	1278	(2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging	11 OCAHO	1253	(2015)
United States v. SKZ Harvesting, Inc.	11 OCAHO	1266	(2016)

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 ALJs May Review Penalty Assessments De Novo

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Paperwork Requirement(s)/Violation(s)

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

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

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

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

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

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

United States v. Jonel, Inc. 8 OCAHO 1008 (1998)

United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)

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

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

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

Employment of Unauthorized Alien(s)

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

Factor(s)

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

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)

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

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

Good Faith Defense

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)

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. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Penalties Near Maximum Should Be Reserved for Most Egregious Violations

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

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

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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. Kobe Sakura Japanese, Inc. 10 OCAHO 1205 (2013)
United States v. Kobe Sapporo Japanese, Inc. 10 OCAHO 1204 (2013)
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. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
United States v. Red Bowl of Cary, LLC, Inc. d/b/a Red Bowl Asian Bistro 10 OCAHO 1206 (2013)
United States v. Romans Racing Stables, Inc. 11 OCAHO 1230 (2014)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
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)

Penalties Should Deter Future Violations Without Being Unduly Punitive

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
United States v. Golf International d/b/a Desert Canyon Golf 11 OCAHO 1222 (2014)
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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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)
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)
Poor Rate of Compliance Without Showing Culpable Conduct Insufficient to Prove Lack of Good Faith

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
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. Niche, Inc. 11 OCAHO 1250 (2015)
United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)
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)
Purposes of Fines Are To Deter Future Violations & Encourage Compliance w/Verification Procesures

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

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. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

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

Seriousness of Violation Refers to Degree to Which Employer Has Deviated From the Proper Form

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Seriousness of Violation(s)

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

United States v. Jonel, Inc. 8 OCAHO 1008 (1998)

United States v. Monadnock Mountain Spring Water, Inc. 10 OCAHO 1193 (2013)
United States v. Morgan's Mexican & Lebanese Foods, Inc. 8 OCAHO 1013 (1998)
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
Siam Thai Sushi Restaurant, d/b/a Four Siamese Company, Inc. 10 OCAHO 1174 (2013)
Size of Business
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. MEMF, LLC d/b/a Black & Blue Steak & Crab - Buffalo 10 OCAHO 1170 (2013)
Franchisee/Franchisor
United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)
United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)
Size of Business Did Not Necessitate Further Mitigation of Civil Penalty
United States v. M & D Masonry 10 OCAHO 1215 (2014)
Social Security Mismatch Does Not Establish That a Particular Individual is Unauthorized for Employment
United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)
Statute Does Not Prohibit Consideration of Unenumerated Factors
United States v. Clean Sweep Janitor Service 11 OCAHO 1226 (2014)
Statute Does Not Require That 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 1231 (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)

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

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golden Employment Group, Inc. 12 OCAHO 1277 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

United States v. SKZ Harvesting, Inc. 11 OCAHO 1266 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Statute Does Not Require That 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. 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)

Statute Does Not Specify Factors ALJ Must Consider in Setting Penalty for Knowing Hire Violation

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

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

There Must Be Rational Relationship Between Magnitude of Offense and Penalty

United States v. Safe-Air of Illinois, Inc. 12 OCAHO 1270 (2016)

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

United States v. Durable, Inc. 11 OCAHO 1231 (2014)

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

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

PERSONS PROTECTED

5/10 Year Rule

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)
Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation	4 OCAHO	711	(1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company	4 OCAHO	653	(1994)
Alien(s)			
Generally			
Cecilia Araceli Basua v. Walmart #1554	3 OCAHO	549	(1993)
Esther Din Brooks v. KNK Textile	3 OCAHO	528	(1993)
Esther Din Brooks v. KNK Textile	3 OCAHO	545	(1993)
Mr. Doron Tal v. M. L. Energia, Inc.	3 OCAHO	519	(1993)
Nripendra S. Dhillon v. Regents of the University of California	3 OCAHO	497	(1993)
Olatunji Moshood Fakunmoju v. Claims Administration Corporation	4 OCAHO	624	(1994)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
Temporary Resident			
Noemi Barragan-Mandujano Romo v. Todd Corporation	1 OCAHO	25	(1988)
Unauthorized			
United States v. Mesa Airlines	1 OCAHO	74	(1989)
Asylees			
Zelleka Getahun v. Dupont Merck Pharmaceutical Company	6 OCAHO	880	(1996)
Citizen(s)			
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9 OCAHO	1081	(2002)
Generally			
Daniel Bendig v. Conoco, Inc.	9 OCAHO	1065	(2001)
Intending			
Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc.	3 OCAHO	548	(1993)
Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia	1 OCAHO	203	(1990)
Esther Din Brooks v. KNK Textile	3 OCAHO	545	(1993)

Ironsi C. Ndusorouwa v. Prepared Foods, Inc.	1 OCAHO	192	(1990)
Marian Ryba v. Temple Steel Company	1 OCAHO	289	(1991)
Noemi Barragan-Mandujano Romo v. Todd Corporation	1 OCAHO	25	(1988)
Sargon Bethishou v. Ohmite Manufacturing Company	1 OCAHO	77	(1989)
United States v. Harris Ranch Beef Company	2 OCAHO	335	(1991)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Southwest Marine Corporation, a California Corporation	2 OCAHO	400	(1989)
Puerto Rican			
United States v. Marcel Watch Corporation	1 OCAHO	143	(1990)
U.S. Born Citizen			
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Generally			
Arnulfo Medina v. Bend-Pack, Inc.	5 OCAHO	791	(1995)
Barbara Eva Labombarbe v. United States Air Force d/b/a Child Development Center	3 OCAHO	515	(1993)
Boris Gerardo Salazar-Castro v. Cincinnati Public Schools	3 OCAHO	406	(1992)
Cecilia Araceli Basua v. Walmart #1554	3 OCAHO	547	(1993)
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)
Gloria Ondina-Mendez v. Sugar Creek Packing Company	9 OCAHO	1085	(2002)
Grzegirz Pioterek v. Anderson Cleaning Systems, Inc.	3 OCAHO	484	(1993)
Haddon Speakman v. The Rehabilitation Hospital of South Texas	3 OCAHO	469	(1992)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9 OCAHO	1093	(2003)
Jesse Charles Jones v. DeWitt Nursing Home	1 OCAHO	189	(1990)
Juan Antonio Cardona Godinez v. Armguard Security Patrol	3 OCAHO	490	(1993)
Maria Lourdes Castillo v. Hotel Casa Marina (Marriott)	3 OCAHO	508	(1993)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3 OCAHO	438	(1992)

Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 619 (1994)
Mr. Doron Tal v. M. L. Energia, Inc. 3 OCAHO 519 (1993)
Nripendra S. Dhillon v. Regents of the University of California 3 OCAHO 497 (1993)
Patricia Eunice Parkin-Forrest v. Veterans Administration Hospital 3 OCAHO 516 (1993)
United States v. Auburn University 3 OCAHO 564 (1993)
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)
Naturalized

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
Permanent Resident

Leonor Garcia v. Tia Maria's Cantina & Mexican Restaurante 7 OCAHO 970 (1997)
Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)
Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 619 (1994)
Retaliation

Drahomira Adame v. Dunkin Donuts 4 OCAHO 691 (1994)
Jose Danilo Cruz v. Able Service Contractors, Inc. 6 OCAHO 837 (1996)
Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 626 (1994)
Martin John Shortt v. Dick Clark's American Bandstand Grill 10 OCAHO 1130 (2009)
United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
Temporary Protected Status (TPS)

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)
U.S. Born Citizen

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)
Stephen A. Lewis v. Ogden Services 2 OCAHO 375 (1991)
United States v. McDonnell Douglas Corporation 2 OCAHO 351 (1991)
PLEA AGREEMENTS
Collateral Attack

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Generally

United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
PLEADINGS
Amendment(s)

Ba v. Wal-Mart Store 1199 10 OCAHO 1163 (2012)
Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 496 (1993)
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)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc. 3 OCAHO 438 (1992)
United States v. Creation & Innovation 3 OCAHO 527 (1993)
United States v. Harris Ranch Beef Company 2 OCAHO 338 (1991)
United States v. McDonnell Douglas Corporation 2 OCAHO 351 (1991)
United States v. Northwest Airlines, Inc. 3 OCAHO 408 (1992)
United States v. Sunshine Building Maintenance, Inc. 7 OCAHO 997 (1998)
Answer
Jorge Pugliese v. Auto-Grafica Corporation 5 OCAHO 820 (1995)
Affirmative Defense(s)
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)
Untimely Filing(s)
Adolfo Cruz Deguzman v. First America Bank Corporation 3 OCAHO 585 (1993)
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)
United States v. Mojave, Inc. d/b/a Casa Jose Café, a Texas Corporation 3 OCAHO 473 (1992)
Complainant Not Required to Plead Facts of Prima Facie Case for Claim Under Section 1324b
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)

Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)

Complaint

Elodia Guzman v. Yakima Fruit & Cold Storage 9 OCAHO 1066 (2001)

Frederick John Harris v. Mr. Bob Marbut, Chairman & CEO, Argyle Television Operations, Inc. 7 OCAHO 943 (1997)

United States v. Ana Maria Villegas-Valenzuela 5 OCAHO 784 (1995)

United States v. Marcos Iniguez-Casillas 6 OCAHO 870 (1996)

Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Dismissal

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

Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc. 3 OCAHO 438 (1992)

Generally

Bertalina Monjaras v. Blue Ribbon Cleaners, Inc. 3 OCAHO 496 (1993)

Emil Anis Halim v. Accu-Labs Research, Inc. 3 OCAHO 474 (1992)

Esther Din Brooks v. Watts Window World 3 OCAHO 501 (1993)

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

John C. Grodzki v. OOCL, Inc. 1 OCAHO 295 (1991)

Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation 1 OCAHO 107 (1989)

Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)

Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)

United States v. Oscar Eduardo Villatoro-Guzman 3 OCAHO 540 (1993)

Issuance

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

Standing to File

Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia 1 OCAHO 203 (1990)

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

Time Computation(s)

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

Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc. 3 OCAHO 548 (1993)

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2 OCAHO	324	(1991)
Jorge Mario Ipina v. Michigan Department of Labor	2 OCAHO	322	(1991)
Juan J. Salcido v. New-Way Pork Company	3 OCAHO	425	(1992)
Stephen A. Lewis v. McDonald's Corporation	2 OCAHO	383	(1991)
United States v. Mesa Airlines	1 OCAHO	74	(1989)

Even Under Liberal Pleading Standards, Claims Lacking Adequate Basis Must Be Dismissed

Terri Ann Jablonski v. Kelly Legal Services, et al.	12 OCAHO	1282	(2016)

Excusable Neglect

D'Amico v. Erie Community College	7 OCAHO	927	(1997)

Failure to Respond

Miguel A. Gallegos v. Magna-View, Inc.	4 OCAHO	628	(1994)
United States v. Cordin Company	10 OCAHO	1162	(2012)

Failure to State With Specificity Basis of Allegations in Complaint

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

Generally

Crecencio Cabrera Mendez v. Jim Daniels	2 OCAHO	374	(1991)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	4 OCAHO	678	(1994)
Sergio Flores Ortiz v. Moll-Tex Broadcasting Company	3 OCAHO	440	(1992)
United States v. Alexander's Inc. d/b/a Homestead Tomato Packing Company	3 OCAHO	504	(1993)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6 OCAHO	877	(1996)
United States v. Ana Maria Villegas-Valenzuela	5 OCAHO	784	(1995)
United States v. Diamond Construction, Inc.	3 OCAHO	456	(1992)
United States v. Feliciano Leon-Gutierrez	6 OCAHO	875	(1996)

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. La Casona d/b/a La Casona Mexican Restaurant 4 OCAHO 712 (1994)
United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 396 (1991)
United States v. Oscar Eduardo Villatoro-Guzman 3 OCAHO 540 (1993)
United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 504 (1993)
United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 533 (1993)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
United States v. Zeferino Castillo, Individually 3 OCAHO 505 (1993)
Inadequate
United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)
Issuance
Time Computation(s)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
Translation(s)
Galdino Casillas Garcia v. McCarron Electric Company 5 OCAHO 747 (1995)
Judgment
United States v. Chums Corporation 6 OCAHO 842 (1996)
United States v. Feliciano Leon-Gutierrez 6 OCAHO 875 (1996)
United States v. Gloria Fashions, Inc. 6 OCAHO 839 (1996)
United States v. Harran Transportation Company, Inc. 6 OCAHO 857 (1996)
Lack of Specificity of Complaint Cannot be Raised Where No Discovery Sought
United States v. Platinum Builders of Central Florida, Inc. 10 OCAHO 1199 (2013)
Leave To Amend Not Freely Granted Where Proposed Amendment Would Not Survive Motion to Dismiss

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1272 (2016)
Motion to Strike

United States v. David Jenkins 4 OCAHO 649 (1994)
United States v. LFW Dairy Corporation 10 OCAHO 1129 (2009)
United States v. U.S. Style, Inc. 5 OCAHO 793 (1995)
Neither Detailed Fact Nor Evidence Pleading is Contemplated by OCAHO Rules

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1273 (2016)
Representation

Jose E. Birisno Briceno-Briceno v. Farmco Farms 4 OCAHO 629 (1994)
Section 1324b Complaint Must Contain Factual Allegations That Give Rise to Inference of Discrimination

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)
Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)
Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1272 (2016)
Service

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)
Jamal Y. Elhaj-Chehade v. University of Texas Southwestern Medical School 8 OCAHO 1018 (1998)
James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)
Sanford J. Strauss v. Rite Aid Corporation 4 OCAHO 721 (1994)
Speculation and Hypotheses Cannot Substitute Facts and Complaint Must Contain Well-Pleaded Facts

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)

Standard

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

Summary Decision

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

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

Supplemental

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

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1047 (2000)

Time Computation(s)

Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc. 3 OCAHO 418 (1992)

Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc. 3 OCAHO 438 (1992)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Timeliness

D'Amico v. Erie Community College 7 OCAHO 927 (1997)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 664 (1994)

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

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

Translations

Jack Huang v. Queens Motel 2 OCAHO 343 (1991)

Where Problem With Cause of Action is Substantive, Repleading Would Be Futile

Terri Ann Jablonski v. Robert Half legal a/k/a Robert Half International Stock Symbol RHI 12 OCAHO 1272 (2016)

Terri Ann Jablonski v. Yorkson Legal, et al. 12 OCAHO 1272 (2016)

POLICY

Generally

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

Jack Huang v. Queens Motel 2 OCAHO 364 (1991)

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

United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 396 (1991)

United States v. Noel Plastering & Stucco, Inc. 2 OCAHO 377 (1991)

PREEMPTION

State Police Actions Related to the Employment Verification System Are Preempted by Federal Law

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 (2016)

PREHEARING CONFERENCE

Generally

United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)

PREVAILING PARTY

Generally

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

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

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

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

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

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

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

With Prejudice

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)

PRIVACY

Individuals Have A Privacy Interest in Not Having Their Names and Addresses Disclosed

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

PRIVATE RIGHT OF ACTION

Employer Sanctions

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

Generally

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1083 (2002)

PRIVILEGE CLAIM

Asserting Party Bears Burden of Establishing Privilege

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

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Business Records Used in Normal Course of Human Resource Duties Not Privileged

United States v. Rose Acre Farms, Inc. 12 OCAHO 1285 (2016)

Conclusory/Boilerplate Objections Fail to Meet Burden of Establishing Privilege

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

Discovery

Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1084	(2002)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1087	(2002)
United States v. Rose Acre Farms, Inc.	12	OCAHO	1285	(2016)
Fifth Amendment				
United States v. Alberto Noriega-Perez	5	OCAHO	777	(1995)
United States v. David Jenkins	5	OCAHO	743	(1995)
United States v. David Segura-Sataray	4	OCAHO	708	(1991)
United States v. Maria Elizondo Garza d/b/a Garza Farm Labor	4	OCAHO	644	(1994)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6	OCAHO	897	(1996)
United States v. Pedro Dominguez	6	OCAHO	910	(1997)
United States v. Roberto C. Davila	6	OCAHO	903	(1996)
Generally				
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1084	(2002)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1087	(2002)
United States v. Maria Elizondo Garza d/b/a Garza Farm Labor	4	OCAHO	644	(1994)
PRO SE				
Kevin Raffay v. Western Digital	10	OCAHO	1159	(2012)
Abandonment				
Adolfo Cruz Deguzman v. First America Bank Corporation	3	OCAHO	585	(1993)
Arnulfo Medina v. Bend-Pack, Inc.	5	OCAHO	791	(1995)
Esther Din Brooks v. Watts Window World	3	OCAHO	570	(1993)
Martin A. Holguin v. Dona Ana Fashions	4	OCAHO	605	(1994)

Tito Ponce Chavez v. National By-Products 4 OCAHO 620 (1994)
United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)
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)
Jose Jasso v. Danbury Hilton & Towers 3 OCAHO 566 (1993)
Maria Fuentes v. Grace Culinary Systems 6 OCAHO 873 (1996)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)
Citizenship Status Discrimination

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1050 (2000)
Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)
Default Judgment

United States v. Alliance Construction, Inc. 7 OCAHO 983 (1998)
Ex Parte Communication(s)

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

Eusebio Huesca v. Rojas Bakery 4 OCAHO 654 (1994)
Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
United States v. Mushtaq Admed Chaudhry 3 OCAHO 576 (1993)
United States v. Mushtaq Ahmed Chaudhry 3 OCAHO 588 (1993)
Government Should Comply With the Law In Good Faith, Especially When Dealing With Pro Se Party

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

Service

Martin A. Holguin v. Dona Ana Fashions 4 OCAHO 605 (1994)

Summary Decision

Duty to Provide Notice

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

PROTECTIVE ORDER

ALJ May Issue Protective Order Upon Showing of Good Cause

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

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Certification(s)

United States v. Guardsmark 4 OCAHO 614 (1994)

Discovery

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)

Acceptable

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1079 (2002)

Ex Parte Communication(s)

United States v. Select Temporaries, Inc. d/b/a Select Personnel Services 9 OCAHO 1079 (2002)

Generally

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

In re Investigation of ABM Industries, Subpoena 5 OCAHO 763 (1995)

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1049 (2000)

Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)

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

United States v. Agripac, Inc. 8 OCAHO 1017 (1998)

United States v. Guardsmark 4 OCAHO 614 (1994)

Limit on Temporal Scope of Discovery Allowed Where Request is Overly Broad/Unduly Burdensome

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

Party Seeking Protective Order Has Burden of Showing Good Cause

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

United States v. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 b (2016)

Showing of Good Cause Must Be Based on Particular and Specific Demonstration of Fact

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

Stipulation

United States v. Agripac, Inc. 8 OCAHO 1017 (1998)

RECRUITMENT

Generally

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)

RECUSAL

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1104 (2004)

Generally

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

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

William S. Monda v. Staryhab, Inc. 8 OCAHO 1002 (1998)

REGULATIONS

5/10 Year Rule

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

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)

Cause of Action

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Charge

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

Complaint

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

Definition of Independent Contractors

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)

Employer(s)

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

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)

Factors to Consider in Determining Whether and Individual Is An Independent Contractor

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)

Generally

Audrey Murtano v. C. R. England, Inc. 9 OCAHO 1116 (2005)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)
Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)
Jimmy Jack Jackai v. Dallas County Data Services 3 OCAHO 569 (1993)
Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 450 (1992)
United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient 3 OCAHO 499 (1993)
United States v. Northwest Airlines, Inc. 3 OCAHO 452 (1992)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant 3 OCAHO 445 (1992)

Hearing(s)

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

Interim Rule(s)

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

Office of the Chief Administrative Hearing Officer

Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)

Settlement

United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)
United States v. Torres Mexican Food, Inc. 4 OCAHO 596 (1994)

Statute of Limitations

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

Timeliness

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
United States v. Performance Printing Corporation 5 OCAHO 779 (1995)

REHIRE

For Employee Rehired Within 3 Years, Previous I-9 Can Be Used In Lieu of Completing a New I-9

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

Generally

United States v. Ketchikan Drywall Services, Inc. 10 OCAHO 1139 (2011)

REMANDS

Case Remanded to ALJ for Reassessment of Fine

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

Case Remanded to ALJ for Reassessment of Fine Based on Error of Fact and Law

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

Case Remanded to ALJ Where Penalty Based on Erroneous Inference

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

Generally

United States v. ABC Roofing & Waterproofing, Inc. 2 OCAHO 358 (1991)

United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 2 OCAHO 389 (1991)

REMEDIES

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 1256 (2015)

Cease and Desist Order Required for Knowing Hire or Continuing to Employ Violations

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

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

Civil Penalty Assessment for 1324b Cases Looks to the Totality of the Circumstances

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)
Liability Finding Under Section 1324b Requires Issuance of Cease and Desist Order

United States v. Jerry Estopy and Manuel Bortoni, d/b/a Estopy Farms 11 OCAHO 1256 (2015)
United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)
REPRESENTATION
Attorney Representing Private Party and Appearing on Filings Must File Notice of Appearance

United States v. Louisiana Crane Company, LLC d/b/a Louisiana Crane and Construction 11 OCAHO 1246 (2015)
Class Action

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Jose E. Birisno Briceno-Briceno v. Farmco Farms 4 OCAHO 629 (1994)
Terrence McCaffrey v. LSI Logic Corporation 6 OCAHO 867 (1996)
Generally

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)
Alexsandr Yakubson v. Effective Security 6 OCAHO 858 (1996)
Lee v. AT&T 7 OCAHO 924 (1997)
Michael K. Lee v. Airtouch Communications 6 OCAHO 888 (1996)
United States v. Esther Flores-Martinez 4 OCAHO 713 (1994)
United States v. Israel Velasquez-Tabir 6 OCAHO 872 (1996)
United States v. Julio Carpio-Lingan 6 OCAHO 871 (1996)
United States v. Nancy Mubarki 5 OCAHO 816 (1995)
Gov't Must Treat Pro Se Party Lacking Legal Knowledge With Scrupulous Fairness

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)
Lay or Non-Attorney Representation

Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Lay Representation

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)
Lee v. AT&T 7 OCAHO 924 (1997)
Non-Attorney

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)
United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
United States v. Mushtaq Ahmed Chaudhry 4 OCAHO 666 (1994)
OCAHO Rules Do Not Apply to Representation Before a Complaint is Filed With OCAHO

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

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)
Pro Se

Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)
Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1097 (2003)
Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)
United States v. Mushtaq Ahmed Chaudhry 3 OCAHO 588 (1993)
Request for a Hearing

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)
Tax Protester

Lee v. AT&T 7 OCAHO 924 (1997)

Withdrawal

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Esther Flores-Martinez 4 OCAHO 682 (1994)

United States v. Maria Celia Aispuro-Nunez 5 OCAHO 745 (1995)

United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)

REQUEST FOR HEARING

Appearance

United States v. Green Plaza, Inc. 4 OCAHO 618 (1994)

Generally

United States v. David Day d/b/a David Day Masonry 3 OCAHO 553 (1993)

United States v. Kim Dong Hui t/a Chestnut Gourmet Restaurant 3 OCAHO 479 (1992)

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

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

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

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

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

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

REQUESTS FOR RELIEF

Form of

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1089 (2003)

RES JUDICATA

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

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)

Generally

Dr. Mahmoud M. Hammoudah v. Rush-Presbyterian St. Luke's Medical Center 8 OCAHO 1047 (2000)

United States v. Alberto Noriega-Perez 6 OCAHO 859 (1996)

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

Issues Are Not the Same Where Second Action Involves Application of Different Legal Standard

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

Res Judicata Inapplicable to Claims Not Adjudicated on Merits

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)

RETALIATION

Adverse Employment Action Occurs When Employment Decision Made and Communicated to Employee

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Based on Filing a Charge With OSC

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)

Causation Requires a Showing that the Decisionmaker Knew of the Employee's Protected Activity

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)

Cause of Action

Kevin Raffay v. Western Digital 10 OCAHO 1159 (2012)

Cease and Desist

United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)
Claims of Retaliation for Engaging in Union Activity Must Be Pursued in a Different Forum

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)
Complaining About Sexual Harassment Is Not Protected Activity Within the Meaning of Section 1324b

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)
Counterclaim May Be Considered Retaliatory if it is Objectively Baseless

John A. Breda v. Kindred Braintree Hospital, LLC 10 OCAHO 1202 (2013)
Employer Has Burden of Production in Stating Non-Discriminatory Reason for Employment Action

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)
Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)
Evidence of Pretext Must Be Specific and Substantial

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)
Filing EEOC Religious Discrimination Complaint is not Protected Activity Under Section 1324b(a)(5)

Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)
Filing With EEOC Is Not Protected Activity Under Section 1324b(a)(5)

Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)
Generalized Complaints About Employing Undocumented Workers Isn't Protected Under Section 1324b

Rael A. Odongo v. Crossmark, Inc. 11 OCAHO 1236 (2014)
Salim J. Hajiani v. ESHA USA, Inc. and Sameer Ramjee 10 OCAHO 1212 (2014)
Generally

Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	668	(1994)
Eric Robin Cholerton v. Robert M. Hadley Company, Inc.	7	OCAHO	934	(1997)
Gurpreet Sodhi v. Maricopa County Special Health Care District	9	OCAHO	1127	(2007)
Gurpreet Sodhi v. Maricopa Medical Center	10	OCAHO	1124	(2008)
Guy Santiglia v. Sun Microsystems, Inc.	9	OCAHO	1110	(2004)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
Jimmy Jack Jackai v. Dallas County Data Services	3	OCAHO	569	(1993)
Joan A. Lardy v. United Airlines, Inc.	4	OCAHO	595	(1994)
Jose Danilo Cruz v. Able Service Contractors, Inc.	6	OCAHO	837	(1996)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	663	(1994)
Jose N. Hernandez v. City of Santa Ana	4	OCAHO	674	(1994)
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)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	661	(1994)
Lonnie W. Hogenmiller v. Lincare, Inc.	7	OCAHO	953	(1997)
Martin John Shortt v. Dick Clark's American Bandstand Grill	10	OCAHO	1130	(2009)
Robert Y. Chu v. Fujitsu Network Transmission System, Inc.	5	OCAHO	778	(1995)
United States v. Great Earth Companies, Inc.	9	OCAHO	1070	(2001)

Jurisdiction

Benjamin A. K. Yohan v. Central State Hospital	4	OCAHO	593	(1994)
Brenda Bent v. Brotman Medical Center Pulse Health Services	5	OCAHO	764	(1995)
Drahomira Adame v. Dunkin Donuts	4	OCAHO	691	(1994)
Drahomira Adame v. Dunkin Donuts	5	OCAHO	722	(1995)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al	9	OCAHO	1074	(2001)
Howard Eugene McNier v. San Francisco State University College of Business	7	OCAHO	947	(1997)
Jose Danilo Cruz v. Able Service Contractors, Inc.	6	OCAHO	837	(1996)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4	OCAHO	626	(1994)

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			
Linda Chellouf v. Inter American University of Puerto Rico	12 OCAHO	1269	(2016)
Rael A. Odongo v. Crossmark, Inc.	11 OCAHO	1236	(2014)
Pretext May Be Shown by Proof That An Employer's Explanation is Unworthy of Credence			
Linda Chellouf v. Inter American University of Puerto Rico	12 OCAHO	1269	(2016)
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	1124	(2008)
Jorge Mario Ipina v. Michigan Jobs Commission	8 OCAHO	1036	(1999)
Linda Chellouf v. Inter American University of Puerto Rico	12 OCAHO	1269	(2016)
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)
Linda Chellouf v. Inter American University of Puerto Rico	12 OCAHO	1269	(2016)
Protected Activity			
Jose Pablo Martinez v. Superior Linen	10 OCAHO	1180	(2013)
Linda Chellouf v. Inter American University of Puerto Rico	12 OCAHO	1269	(2016)

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

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

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)

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)

Terri Ann Jablonski v. Kelly Legal Services, et al. 12 OCAHO 1282 (2016)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

To Rebut Prima Facie Case, Employer Must State Non-Discriminatory Reason for Employment Decision

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

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)

Generally

Zelleka Getahun v. DuPont Merck Pharmaceutical Company 8 OCAHO 1029 (1999)

REVIEW

Generally

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. Frimmel Management, LLC d/b/a Uncle Sam's 12 OCAHO 1271 a (2016)

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)

Admission(s)

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)

Ex Parte Communication(s)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)

Exclusion of Representative

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center 10 OCAHO 1131 (2009)

Lee v. AT&T 7 OCAHO 924 (1997)

Generally

Aranka M. Palancz v. Cedars Medical Center 3 OCAHO 443 (1992)

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)

United States v. Alberto Noriega-Perez 5 OCAHO 798 (1995)

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)

Penalties

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)

SEARCH AND SEIZURE

Affirmative Defense(s)

United States v. David Jenkins	4 OCAHO	649	(1994)
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)

Consent

United States v. David Jenkins	5 OCAHO	743	(1995)

Generally

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)

SELECTIVE PROSECUTION

Generally

United States v. Martin Palominos-Talavera 6 OCAHO 896 (1996)

SERVICE OF PROCESS

Abandonment

United States v. Erlina Fashions, Inc. d/b/a Song Designs, Inc. 4 OCAHO 656 (1994)

All Documents Filed Must Be Accompanied By a Certificate of Service

United States v. Quickstuff, LLC, Its Member Maria Castillo, and A&C Staffing, LLC 11 OCAHO 1265 (2015)

Certificate of Service

United States v. Silverado Stages, Inc. 10 OCAHO 1185 (2013)

Dismissal

United States v. Mayfly Fashion, Inc. 6 OCAHO 894 (1996)

Ex Parte Communication(s)

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 645 (1994)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 854 (1996)

United States v. Red Lobster 4 OCAHO 631 (1994)

Generally

Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)

Haddon Speakman v. The Rehabilitation Hospital of South Texas 3 OCAHO 469 (1992)

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 136 (1990)

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 214 (1990)

Martin A. Holguin v. Dona Ana Fashions 4 OCAHO 605 (1994)

Sanford J. Strauss v. Rite Aid Corporation	4	OCAHO	721	(1994)
Sellaro v. Elektra Records	3	OCAHO	461	(1992)
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)
United States v. Elena Finishing, Inc.	1	OCAHO	132	(1990)
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)

Manner of Service

United States v. Silverado Stages, Inc.	10	OCAHO	1185	(2013)

Pleadings

Chand Wije v. Barton Springs/Edwards Aquifier C.D.	4	OCAHO	645	(1994)
Sanford J. Strauss v. Rite Aid Corporation	4	OCAHO	721	(1994)

Pro Se

Martin A. Holguin v. Dona Ana Fashions 4 OCAHO 605 (1994)

Request for Review

United States v. Mitchell Greif, President, Coast Poly, LLC 10 OCAHO 1183 (2013)

United States v. Silverado Stages, Inc. 10 OCAHO 1185 (2013)

United States v. Split Rail Fence Company, Inc. 10 OCAHO 1181 (2013)

Withdrawal

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)

United States v. Nancy Mubarki 5 OCAHO 816 (1995)

SETTLEMENT AGREEMENTS

Authority and Jurisdiction to Review

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

United States v. Coastal Transportation, Inc. 1 OCAHO 26 (1988)

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)

United States v. Torres Mexican Food, Inc. 4 OCAHO 596 (1994)

Civil Money Penalty

United States v. Pancho's Mexican Buffet, Inc. 4 OCAHO 632 (1994)

United States v. Red Lobster 4 OCAHO 631 (1994)

Collateral Estoppel and Res Judicata Not Applicable to Settlement Agreements

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)

Defense(s)

United States v. Cathy Hyeon Yi d/b/a Ace Manufacturing Company 8 OCAHO 1011 (1998)

Dismissal

Azia Aityahia v. Sabena Airline Training Center, Inc. 9 OCAHO 1122 (2006)

LeEdwards v. Kumagai International USA Corporation 4 OCAHO 609 (1994)

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)

Effect on Withdrawal

United States v. American Airlines 8 OCAHO 1044 (2000)

Enforcement

Azia Aityahia v. Sabena Airline Training Center, Inc. 9 OCAHO 1122 (2006)

Olimpia Tovar v. United States Postal Service 4 OCAHO 650 (1994)

United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)

United States v. IBP, Inc. 5 OCAHO 766 (1995)

United States v. Westin Galleria & Westin Oaks Hotel 4 OCAHO 701 (1994)

Ex Parte Communication(s)

United States v. Red Lobster 4 OCAHO 631 (1994)

Failure to Execute

Azia Aityahia v. Sabena Airline Training Center, Inc.	9	OCAHO	1122	(2006)
United States v. Cathy Hyeon Yi d/b/a Ace Manufacturing Company	8	OCAHO	1011	(1998)
United States v. Moses Sportswear, Inc.	6	OCAHO	841	(1996)
United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels	4	OCAHO	634	(1994)

Generally

Christnie Delarese Stubbs v. Desoto Hilton, Maryland Hospitality, Inc.	8	OCAHO	1025	(1999)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2	OCAHO	363	(1991)
Salvador Chavarin-Lopez v. Nichols Farms	2	OCAHO	371	(1991)
United States v. A & B Carpet Steam Cleaning & General Services, Corporation	1	OCAHO	244	(1990)
United States v. ABC Roofing & Waterproofing, Inc.	2	OCAHO	391	(1991)
United States v. Casa Orozco, Inc.	1	OCAHO	92	(1989)
United States v. Cathy Hyeon Yi d/b/a Ace Manufacturing Company	8	OCAHO	1011	(1998)
United States v. Commander Construction, Inc. t/a Commander Construction Company	1	OCAHO	32	(1988)
United States v. El Centenario, Inc. d/b/a Las Margaritas III	1	OCAHO	28	(1988)
United States v. Francisco's Restaurant, Inc.	1	OCAHO	206	(1990)
United States v. Galilee Fashions, Inc.	4	OCAHO	697	(1994)
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)
United States v. Lighthouse Restaurant	1	OCAHO	74	(1988)
United States v. Manca Imports, Inc.	2	OCAHO	347	(1991)
United States v. Old Town Mexican Café	1	OCAHO	10	(1988)
United States v. Prestige Landscapes	1	OCAHO	11	(1988)
United States v. Sizzler Restaurants International, Inc.	1	OCAHO	263	(1990)
United States v. Springs Wash One d/b/a Austin Nevada Car Wash, a California Limited Partnership	2	OCAHO	349	(1991)
United States v. Stephen and Christine Sealy	2	OCAHO	362	(1991)

United States v. TKJ, Inc. d/b/a Snelling Personnel Services, a Florida Corporation 3 OCAHO 413 (1992)
United States v. Turner's Japanese Auto Repair 8 OCAHO 1009 (1998)
Jurisdiction

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)
Olimpia Tovar v. United States Postal Service 4 OCAHO 650 (1994)
Jurisdiction and Authority to Review

United States v. California Mantel, Inc. 10 OCAHO 1168 (2013)
Office of Special Counsel

United States v. New Mexico State Fair 6 OCAHO 898 (1996)
Party/Parties

United States v. New Mexico State Fair 6 OCAHO 898 (1996)
Power of Administrative Law Judge

Azia Aityahia v. Sabena Airline Training Center, Inc. 9 OCAHO 1122 (2006)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis 3 OCAHO 432 (1992)
United States v. Casa Orozco, Inc. 1 OCAHO 92 (1989)
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)
Sovereign

United States v. New Mexico State Fair 6 OCAHO 898 (1996)
SHOW CAUSE
Generally

United States v. Carlos Antonio Aquino 5 OCAHO 818 (1995)

United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)

Timeliness

United States v. Jabil Circuit, Inc. 10 OCAHO 1146 (2012)

SIXTH AMENDMENT

Generally

United States v. Cristina Galeas 5 OCAHO 790 (1995)

United States v. Israel Velasquez-Tabir 6 OCAHO 872 (1996)

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. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

Business Size Is Determined Based on Size At Time of ALJ Adjudication and Penalty Assessment

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

United States v. Niche, Inc. 11 OCAHO 1250 (2015)

OCAHO Generally Considers a Business With Fewer Than 100 Employees to be a Small Business

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

SOVEREIGN IMMUNITY

In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)
Yaming Shen v. Defense Language Institute 9 OCAHO 1117 (2005)

Abandonment

Ping Ruan v. United States Navy 8 OCAHO 1046 (2000)

Attorney Fees

United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
United States v. Zabala Vineyards 6 OCAHO 844 (1996)

Component of U.S. Department of Defense is Immune From Suit Before OCAHO

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Congress Did Not Abrogate State Sovereign Immunity When It Enacted Section 1324b

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

Eleventh Amendment

D'Amico v. Erie Community College 7 OCAHO 948 (1997)
Howard Eugene McNier v. Arthur Wallace in his capacity as Dean, College of Business, San Francisco State University, et al 9 OCAHO 1074 (2001)
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 1022 (1999)
Massala Prince Reffell v. Prairie View A&M University 9 OCAHO 1057 (2000)
McNier v. San Francisco State University College of Business 7 OCAHO 998 (1998)

Michael C. Smiley v. City of Philadelphia Department of Licenses & Inspection 7 OCAHO 925 (1997)

Paul C. Iwuchukwu v. City of Grand Prairie 6 OCAHO 869 (1996)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

United States v. New Mexico State Fair 6 OCAHO 898 (1996)

Uthaiwan Wong-Opasi v. State of Tennessee, Governor Don Sundquist, et al 8 OCAHO 1042 (2000)

Federal Government Agencies Are Not Amenable to Suit Under 8 U.S.C. Section 1324b

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Generally

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)

Kasathsko v. Internal Revenue Service 6 OCAHO 840 (1996)

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)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

Injunctive Relief

McNier v. San Francisco State University College of Business 7 OCAHO 998 (1998)

Section 1324b Does Not Contain an Express Waiver of Soverrign Immunity

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

State Agency May Waive Affirmative Defense of Sovereign Immunity by Failing to Timely Assert It

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

State Must Timely Object to the Forum or Be Deemed to Have Waived Its Objection

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

State's Own Conduct in the Course of Litigation May Operate to Waive Its Sovereign Immunity

Victor Guerrero v. California Department of Corrections and Rehabilitation 11 OCAHO 1264 (2015)

Subject Matter Jurisdiction

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Massala Prince Reffell v. Prairie View A&M University 9 OCAHO 1057 (2000)

Ping Ruan v. United States Navy 8 OCAHO 1046 (2000)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

The Defense of Sovereign Immunity May Be Raised At Any Point in the Proceeding

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Washington Younggil Kim v. Randall T. Getz, Sergeant, Flushing Recruiting Center 12 OCAHO 1279 (2016)

The U.S. Postal Service Is Immune From Suits Under 8 U.S.C. Section 1324b

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

Waiver

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)

McNier v. San Francisco State University College of Business 7 OCAHO 998 (1998)

STANDING

Akintunde Omoyosi v. Lebanon Correctional Institution 9 OCAHO 1119 (2005)

Raul A. Gonzalez v. Tri-Component Products, Inc. 9 OCAHO 1118 (2005)

Alien(s)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Nripendra S. Dhillon v. Regents of the University of California 3 OCAHO 497 (1993)

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

Temporary Protected Status

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Unauthorized

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

Generally

Barbara Eva Labombarbe v. United States Air Force d/b/a Child Development Center 3 OCAHO 515 (1993)

Boris Gerardo Salazar-Castro v. Cincinnati Public Schools 3 OCAHO 406 (1992)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Haddon Speakman v. The Rehabilitation Hospital of South Texas 3 OCAHO 469 (1992)

Jaycee George v. Bridgeport Jai-Alai, Inc. 3 OCAHO 537 (1993)

Patricia Eunice Parkin-Forrest v. Veterans Administration Hospital 3 OCAHO 516 (1993)

United States v. Auburn University 3 OCAHO 564 (1993)

United States v. Guardsmark 3 OCAHO 572 (1993)

United States v. Harris Ranch Beef Company 2 OCAHO 302 (1991)

Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation 4 OCAHO 711 (1994)

Yadira Azucena Ocampo Soto v. Top Industrial, Inc. 7 OCAHO 999 (1998)

Intending Citizen

Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc. 3 OCAHO 548 (1993)

Eden Harrison Adatsi v. Citizens & Southern National Bank of Georgia 1 OCAHO 203 (1990)

Esther Din Brooks v. KNK Textile 3 OCAHO 545 (1993)

Ironsi C. Ndusorouwa v. Prepared Foods, Inc. 1 OCAHO 192 (1990)

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

United States v. Southwest Marine Corporation, a California Corporation 2 OCAHO 400 (1989)

Office of Special Counsel

Jaycee George v. Bridgeport Jai-Alai, Inc. 3 OCAHO 537 (1993)

United States v. Mesa Airlines 1 OCAHO 74 (1989)

Permanent Resident

Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)

Miguel A. Gallegos v. Magna-View, Inc. 4 OCAHO 619 (1994)

Persons Protected

Olatunji Moshood Fakunmoju v. Claims Administration Corporation 4 OCAHO 624 (1994)

Puerto Rican

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

U.S. Citizen

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

STARE DECISIS

Generally

United States v. Citizen's Utilities Company, Inc., Telephone Division 1 OCAHO 109 (1989)

STATISTICAL PROOF OF DISCRIMINATION

Discriminatory Intent May By Inferred From Statistical Evidence

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

Gross Statistical Disparity May Be Prima Facie Proof of Pattern or Practice of Discrimination

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

May Be Rebutted By Showing That Resolving a Flaw in Statistics Eliminates Disparity

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

Statistical Disparities Over Two or Three Standard Deviations May Indicate Discrimination

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

Statistics May Show Employer's Justification Is Pretextual

United States v. Life Generations Healthcare, LLC d/b/a Generations Healthcare 11 OCAHO 1227 (2014)

STATUTE

United States v. H&H Saguaro Specialists 10 OCAHO 1147 (2012)

Attorney Fees

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 5 OCAHO 785 (1995)

Daniel Ojeda-Ojeda v. Booth Farms, L.P. 9 OCAHO 1121 (2006)

United States v. Auburn University 4 OCAHO 646 (1994)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)

Back Pay

United States v. Redi-Cut Foods, Inc. 4 OCAHO 659 (1994)

Civil Money Penalty

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

United States v. El Azteca Dunkirk, Inc. 10 OCAHO 1172 (2013)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. New Star at Niagara Fall, Inc., d/b/a New Star Buffet 10 OCAHO 1192 (2013)

United States v. Red Lobster 4 OCAHO 631 (1994)

United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)

Complaint

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

Defense(s)

United States v. Armando Alvarez-Suarez 4 OCAHO 655 (1994)

Deportation

United States v. Oscar Eduardo Villatoro-Guzman 4 OCAHO 652 (1994)

Document Abuse

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1085 (2002)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

United States v. Robison Fruit Ranch, Inc. 6 OCAHO 855 (1996)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

Employers Not At Liberty to Create Own Alternative Employment Eligibility Verification Systems

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 a (2015)

Generally

Jaime Banuelos v. Transportation Leasing Company 1 OCAHO 156 (1990)

Nripendra S. Dhillon v. Regents of the University of California 3 OCAHO 497 (1993)

United States v. Monica Zapata-Cosio 5 OCAHO 822 (1995)

United States v. Performance Printing Corporation 5 OCAHO 779 (1995)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)

Hearing(s)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 623 (1994)

Hire/Hiring

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 661 (1994)

Jurisdiction

Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)

Elizabeth S. Mengarpuan v. Asbury Methodist Village 4 OCAHO 612 (1994)

Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)

Marcos Valencio v. VASP Brazilian Airlines 5 OCAHO 740 (1995)

Marlene Singh Palacio v. Seaside Custom Harvesting/Zinn Packing Company 4 OCAHO 675 (1994)

Martin Flores v. Logan Foods Company 6 OCAHO 874 (1995)

Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)

Shensheng Zhao v. Sacot, Inc. and/or Grand CMS Company, Ltd. 6 OCAHO 850 (1996)

United States v. Monfort, Inc. 4 OCAHO 597 (1994)

Legislative History

United States v. Guardsmark 3 OCAHO 572 (1993)

United States v. Robison Fruit Ranch, Inc. 4 OCAHO 594 (1994)

Overlap

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)

Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)

United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)

Overlap with Title VII

Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)

Party/Parties

United States v. Auburn University 4 OCAHO 646 (1994)

Recruitment Violation

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)

Retaliation

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 668 (1994)

Jose Danilo Cruz v. Able Service Contractors, Inc. 6 OCAHO 837 (1996)

United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)

Review of Final Orders

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)

Single-Filing Rule

Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)

Statute of Limitations

United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)

United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)

Statutory Interpretation

Joan A. Lardy v. United Airlines, Inc. 4 OCAHO 595 (1994)

Kasathsko v. Internal Revenue Service 6 OCAHO 840 (1996)

Nripendra S. Dhillon v. Regents of the University of California 3 OCAHO 497 (1993)

Qais Ibrahim Alhameed v. Grand Traverse Resort and Casinos 10 OCAHO 1126 (2008)

Richard Becker v. Ademco Corporation d/b/a Alarm Device Manufacturing Corporation 1 OCAHO 107 (1989)

Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm	9 OCAHO	1115	(2005)
United States v. Mesa Airlines	1 OCAHO	74	(1989)
United States v. Robison Fruit Ranch, Inc.	4 OCAHO	594	(1994)
Substantial Compliance			
United States v. Northern Michigan Fruit Company	4 OCAHO	667	(1994)
STATUTE OF LIMITATIONS			
5/10 Year Rule			
Alan Rusk v. Northrop Corporation and Department of Defense	4 OCAHO	607	(1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend	4 OCAHO	710	(1994)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend	5 OCAHO	726	(1995)
Leonid Naginsky v. Department of Defense and EG&G Dynatrend	6 OCAHO	891	(1996)
Wartan Bozoghlanian v. Lockheed-Advanced Development Corporation	4 OCAHO	711	(1994)
Charge			
Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc.	3 OCAHO	548	(1993)
Glauco Luiz Ortolano v. Wordperfect Company	4 OCAHO	716	(1994)
Jorge Mario Ipina v. Michigan Department of Labor	2 OCAHO	386	(1991)
Jose R. Lima v. New York City Department of Education	10 OCAHO	1128	(2009)
Joseph E. Sabol v. Northern Michigan University	9 OCAHO	1107	(2004)
Julian Sahagun v. Bend-Pack, Inc.	5 OCAHO	809	(1995)
Margarita Yefremov v. New York City Department of Transportation	3 OCAHO	466	(1992)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
United States v. Auburn University	4 OCAHO	602	(1994)
United States v. Auburn University	4 OCAHO	617	(1994)
United States v. Frank's Meat Company, a Sole Proprietorship	3 OCAHO	513	(1993)

Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 695 (1994)
Complaint is Timely If Filed Within Five Years of the Date a Violation First Accrues

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Employer Sanction Cases

United States v. Curran Engineering Company, Inc. 7 OCAHO 975 (1997)
Equitable Estoppel

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Equitable Tolling

Ephrain Manuel Berlanga v. Butterball Company 4 OCAHO 669 (1994)
Galdino Casillas Garcia v. McCarron Electric Company 5 OCAHO 747 (1995)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
Jose N. Hernandez v. City of Santa Ana 4 OCAHO 674 (1994)
Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
Filing Deadline Begins to Run When Delivery of Determination Letter is Effectuated

Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
For Knowing Hire Violation, Limitations Period Begins to Run on Date That Employee is Terminated

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
General Statute of Limitations

United States v. Roberto C. Davila 7 OCAHO 936 (1997)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
Generally

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)
United States v. Charo's Corporation d/b/a Charo's Restaurant 3 OCAHO 467 (1992)
United States v. Felipe De Leon-Valenzuela 8 OCAHO 1004 (1998)
United States v. Roberto C. Davila 7 OCAHO 936 (1997)
Last Possible Accrual Date for Knowing Hire Violations is Date That Employee is Terminated

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)
Letter of Determination

Jose R. Lima v. New York City Department of Education 10 OCAHO 1128 (2009)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
United States v. Hyatt Regency Lake Tahoe 6 OCAHO 861 (1996)
United States v. IBP, Inc. 7 OCAHO 900 (1997)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 755 (1995)
Memorandum of Understanding (MOU)

Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
United States v. Auburn University 4 OCAHO 617 (1994)
Paperwork Requirement(s)/Violation(s)

United States v. Naim Ojeil & Samoeil Ishk 7 OCAHO 984 (1998)
Substantive Paperwork Violation Continues Until Cured or Employer's Duty to Retain I-9 Expires

United States v. Leed Construction, Megan Burkholder 11 OCAHO 1237 (2014)

STAY OF PROCEEDINGS

Generally

Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2 OCAHO	363	(1991)
Joan A. Lardy v. United Airlines, Inc.	3 OCAHO	450	(1992)
United States v. Broadcasters Unlimited, Inc. d/b/a KGRE AM Radio	4 OCAHO	719	(1994)
United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center	1 OCAHO	135	(1990)
United States v. DAR Distributing, Inc. d/b/a DAR Cabinets	1 OCAHO	60	(1989)
United States v. Pedro Dominguez	7 OCAHO	973	(1997)
United States v. PPJV, Inc. d/b/a Publishers Press	2 OCAHO	373	(1991)
United States v. United Pottery Manufacturing & Accessories, Inc.	1 OCAHO	51	(1989)
United States v. United Pottery Manufacturing & Accessories, Inc.	1 OCAHO	57	(1989)

SUBPOENAS

Burden of Proof

In re Investigation of Modern Maintenance, Subpoena	2 OCAHO	359	(1990)

Compliance

In re Investigation of Conoco, Inc., Subpoena	8 OCAHO	1048	(2000)
In re Investigation of Hyatt Regency Lake Tahoe, Subpoena	5 OCAHO	751	(1995)
In re Investigation of Norfolk Public Schools, Subpoena	4 OCAHO	621	(1994)
In re Investigation of University of South Florida, Subpoena	8 OCAHO	1056	(2000)
In re Investigation of Wal-Mart Stores, Subpoena	5 OCAHO	754	(1995)
Krzysztof Zarazinski v. Anglo Fabrics, Company	4 OCAHO	643	(1994)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms	5 OCAHO	748	(1995)

District Court Authority to Order Compliance and Find Party in Contempt

In Re Investigation of: NHS Human Services	10 OCAHO	1198	(2013)

United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. International Packaging, Inc.	12	OCAHO	1275	(2016)

Generally

Elizabeth Klimas v. Department of Treasury	3	OCAHO	404	(1992)
In re Investigation of ABM Industries, Subpoena	5	OCAHO	763	(1995)
In re Investigation of Carolina Employers Association, Subpoena	3	OCAHO	455	(1992)
In re Investigation of Chan's Apparel, Subpoena	1	OCAHO	1	(1988)
In re Investigation of Conoco, Inc., Subpoena	8	OCAHO	1048	(2000)
In re Investigation of Conoco, Inc., Subpoena	8	OCAHO	1049	(2000)
In re Investigation of Doctor's Hospital of Santa Ana, Subpoena	1	OCAHO	194	(1990)
In re Investigation of Florida Azalea Specialist, Subpoena	3	OCAHO	523	(1993)
In re Investigation of Florida Rural Legal Services, Subpoena	3	OCAHO	428	(1992)
In re Investigation of Florida Rural Legal Services, Subpoena	3	OCAHO	437	(1992)
In re Investigation of Hyatt Regency Lake Tahoe, Subpoena	5	OCAHO	751	(1995)
In re Investigation of Norfolk Public Schools, Subpoena	4	OCAHO	621	(1994)
In re Investigation of Seafarers International Union, Subpoena	3	OCAHO	498	(1993)
In re Investigation of South Florida Tomato & Vegetable Growers Association, Subpoena	1	OCAHO	237	(1990)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	2	(1988)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	3	(1988)
In re Investigation of St. Christopher-Ottilie, Subpoena	1	OCAHO	2	(1988)
In re Investigation of Strano Farms, Subpoena	3	OCAHO	521	(1993)
In re Investigation of Taiwan Restaurant, Subpoena	3	OCAHO	431	(1992)
In re Investigation of Valley Crest Tree Company, Subpoena	3	OCAHO	579	(1993)
In re Investigation of Wal-Mart Stores, Subpoena	5	OCAHO	754	(1995)
In Re Investigation of: NHS Human Services	10	OCAHO	1198	(2013)

James D. Westendorf v. Brown & Root, Inc. 3 OCAHO 405 (1992)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1087 (2002)
Leonid Naginsky v. Department of Defense 5 OCAHO 813 (1995)
United States v. Armando Alvarez-Suarez 4 OCAHO 651 (1994)
United States v. Buckingham Limited Partnership d/b/a Mr. Wash 1 OCAHO 151 (1990)
United States v. Creation & Innovation 3 OCAHO 527 (1993)
United States v. Edith Fine 1 OCAHO 89 (1989)
United States v. Harris Ranch Beef Company 2 OCAHO 302 (1991)
United States v. Ideal Tortilla Factory, Inc. 2 OCAHO 366 (1991)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm 1 OCAHO 212 (1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc. 1 OCAHO 274 (1990)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 5 OCAHO 748 (1995)
United States v. Rosario Strano d/b/a Strano Farms 3 OCAHO 531 (1993)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant 3 OCAHO 412 (1993)
United States v. Widow Brown's Inn, Inc. t/a Widow Brown's Inn Main & Bushkill Streets 3 OCAHO 399 (1992)

Jurisdiction

In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)
In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)

Motion(s) to Quash

In re Investigation of Conoco, Inc., Subpoena 8 OCAHO 1048 (2000)
In re Investigation of Florida Rural Legal Services, Subpoena 3 OCAHO 437 (1992)
In re Investigation of Henson Aviation, Subpoena 3 OCAHO 488 (1993)
In re Investigation of Modern Maintenance, Subpoena 2 OCAHO 359 (1990)
In re Investigation of Tropicana Casino & Resort, Subpoena 9 OCAHO 1060 (2000)

Office of Special Counsel

Denial
In re Investigation of Swift & Co., Subpoena 9 OCAHO 1058 (2000)
Petition to Revoke or Modify

In re Investigation of Miccosukee Resort 9 OCAHO 1114 (2004)
In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)
In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
Attorney-Client Privilege
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1084 (2002)
Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1087 (2002)
Refusal to Comply

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
Relevance

In re Investigation of University of South Florida, Subpoena 8 OCAHO 1055 (2000)
Relevance of Information Sought

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
Required Criteria for Enforcement

In Re Investigation of: NHS Human Services 10 OCAHO 1198 (2013)
SUBSTANTIAL COMPLIANCE
Copying and Attaching Documents Without Properly Completing I-9 Isn't Substantial Compliance

United States v. Super 8 Motel & Villella Italian Restaurant 10 OCAHO 1191 (2013)
Creation of False Section 2 Attestations Is Substantive Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Generally

United States v. Corporate Loss Prevention Associates, Ltd. 6 OCAHO 886 (1996)
United States v. El Paso Hospitality, Inc. 5 OCAHO 737 (1995)
United States v. Jonel, Inc. 7 OCAHO 967 (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 6 OCAHO 865 (1996)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)
United States v. Minaco Fashions, Inc. 3 OCAHO 587 (1993)
United States v. Randall Kurzon, Individually and Alonza Restaurant Ventures, inc. 3 OCAHO 583 (1993)
United States v. Task Force Security, Inc. d/b/a Task Force Security and Investigations 3 OCAHO 533 (1993)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)

Paperwork Requirement(s)/Violation(s)

United States v. BKR Restaurants, LLC d/b/a Burger King 10 OCAHO 1154 (2012)
United States v. Fortune East Fashion, Inc. 7 OCAHO 977 (1997)
United States v. Jonel, Inc. 7 OCAHO 967 (1997)
United States v. Mark Steven Carter d/b/a Dixie Industrial Service Company 7 OCAHO 931 (1997)
United States v. Ronning Landscaping, Inc. 10 OCAHO 1149 (2012)

SUBSTANTIVE VS. TECHNICAL/PROCEDURAL PAPERWORK VIOLATIONS

Creation of False Section 2 Attestations Is Substantive Violation

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Failure to Complete or Sign Form I-9 Section 2 Employer Verification Constitutes Substantive Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
United States v. Durable, Inc. 11 OCAHO 1229 (2014)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Golf International d/b/a Desert Canyon Golf 10 OCAHO 1214 (2014)
Failure to Ensure Employee Checks Box Attesting to Immigration Status is Serious Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
Failure to Ensure Employee Signs Section 1 of Form I-9 Is A Substantive Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Failure to Ensure That Employee Provides Alien or Admission Number Is Substantive Violation

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
Failure to Enter Printed Name of Individual Who Signs Section 2 Is Substantive Violation

United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
Failure to Provide Issuing Authority for Form I-9 List B Document Is Substantive Violation

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. PM Packaging, Inc., and PM Corporate Group, Inc., d/b/a PM Packaging 11 OCAHO 1253 (2015)
Failure to Timely Prepare I-9 is Substantive - Not Technical or Procedural - Violation

United States v. Dr. Robert Schaus, D.D.S. 11 OCAHO 1239 (2014)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Government Not Required to Provide Notice and Correction Period for Substantive Violations

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)
Notice and Correction Period Required for Technical/Procedural Failures Before Imposing Penalty

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)
Omitting Document Number/Expiration Date May Be Technical/Procedural If Document Copy Attached

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

SUMMARY DECISION

Gloria Ondina-Mendez v. Sugar Creek Packing Company 9 OCAHO 1075 (2001)
Raul A. Gonzalez v. Tri-Component Products, Inc. 9 OCAHO 1118 (2005)
Seidou Diarrassouba v. Medallion Financial Corporation 9 OCAHO 1076 (2001)

Abandonment

Florinda Kattan v. Union League Club of Chicago 4 OCAHO 599 (1994)
United States v. McDonnell Douglas Corporation 4 OCAHO 616 (1994)
United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)

Admission(s)

United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company 4 OCAHO 718 (1994)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company 5 OCAHO 742 (1995)
United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)
United States v. Karnival Fashion, Inc. 5 OCAHO 769 (1995)
United States v. Maria Sourovova 7 OCAHO 987 (1998)
United States v. Primera Enterprises, Inc. d/b/a J.B.'s Lounge 4 OCAHO 615 (1994)
United States v. Ricardo Calderon, Inc. 5 OCAHO 805 (1995)
United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)
United States v. Tri-Component Product Corporation 5 OCAHO 821 (1995)

Affidavit(s)

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)
Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)

United States v. 1010 Morris Avenue Food Corporation 6 OCAHO 885 (1996)

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. Patrol & Guard Enterprises, Inc. 8 OCAHO 1040 (2000)

Hearsay

Martha Diaz v. Pacific Maritime Association 9 OCAHO 1108 (2004)

ALJ Must Accept As True Unrebutted Facts Established By Documentary Evidence or Affidavit

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

United States v. Chen Wilmington, Inc. 11 OCAHO 1241 (2015)

ALJ Must Draw Reasonable Inferences In Favor of Nonmoving Party

United States v. Century Hotels Corporation, d/b/a Scottsdale Thunderbird Suites 11 OCAHO 1218 (2014)

All Facts and Reasonable Inferences Viewed In Light Most Favorable to Nonmoving Party

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Appropriate Where Party is Entitled and Shows No Genuine Issue of Material Fact

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Blanket Denial of Liability Not Sufficient to Show That Genuine Issues of Material Fact Exist

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

Civil Money Penalty

United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (1995)

United States v. DJ Drywall, Inc. 10 OCAHO 1136 (2010)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. Private Brands Company and Private Brand, Inc. 7 OCAHO 941 (1997)

United States v. Walden Station, Inc. 8 OCAHO 1053 (2000)

Completion of False Certification on Form I-9 Does Not Constitute Substantial Compliance

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

Conclusory and Unsupported Allegations Do Not Provide an Adequate Basis for Summary Decision

Julio Ricardo Sanchez Molina v. Securitas Security Services USA, Inc. 11 OCAHO 1261 (2015)

Conversion from Motion to Dismiss

Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)

Discovery

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

United States v. IBP, Inc. 7 OCAHO 900 (1997)

Documentary Evidence

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Documentary Evidence Together With Proposed Stipulations May Be Sufficient to Establish Liability

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Evidence

Chand Wije v. Barton Springs/Edwards Aquifier C.D. 4 OCAHO 635 (1994)

Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)

Corneliu Curuta v. Tomball College 9 OCAHO 1099 (2003)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

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)

Jenlih John Hsieh v. PMC - Sierra, Inc. 9 OCAHO 1093 (2003)

Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc. 9 OCAHO 1081 (2002)

Lydia Annella Anderson v. Newark Public Schools 8 OCAHO 1024 (1999)

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Programmer's Guild, Inc. v. Value Consulting, Inc. 10 OCAHO 1135 (2010)

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

United States v. H&H Saguaro Specialists 10 OCAHO 1144 (2012)

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. McDonnell Douglas Corporation 4 OCAHO 676 (1994)

United States v. New China Buffet Restaurant 10 OCAHO 1133 (2010)

United States v. Stanford Sign and Awning, Inc. 10 OCAHO 1145 (2012)

United States v. Walden Station, Inc. 8 OCAHO 1053 (2000)

Direct Evidence

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

Generally

Guy Santiglia v. Sun Microsystems, Inc. 9 OCAHO 1110 (2004)

Sufficiency

United States v. Siwan & Brothers, Inc. d/b/a Subway #37616 10 OCAHO 1178 (2013)

United States v. Siwan & Sons, Inc. d/b/a Subway #35029 and Subway #23095 10 OCAHO 1179 (2013)

Filing of Cross Motions Does Not Require Summary Decision Be Issued in Favor of Either Party

United States v. Foothill Packing, Inc. 11 OCAHO 1240 (2015)

Generally

Adnan Niaz Mir v. Federal Bureau of Prisons 3 OCAHO 577 (1993)

Albert Gimein v. Department of Defense & Grumman Aerospace Corporation 3 OCAHO 503 (1993)

Amadeo Gonzalez v. Phoenix Motor Company 3 OCAHO 410 (1992)

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)

Bassey J. Udofot v. 88 Vapor Technologies 3 OCAHO 506 (1993)

Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)

Chao v. McDonnell Douglas Corporation 6 OCAHO 824 (1995)

Dinko Sefic v. Marconi Wireless 9 OCAHO 1123 (2007)

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)

Esther Din Brooks v. KNK Textile 3 OCAHO 528 (1993)

Esther Din Brooks v. Watts Window World 3 OCAHO 570 (1993)

Florinda Kattan v. Union League Club of Chicago 3 OCAHO 586 (1993)

Gabriel Niyi Adepitan v. United States Postal Service 3 OCAHO 416 (1991)

Ghaffar Sepahpour v. Unisys, Inc. 3 OCAHO 500 (1993)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

Hector Cascante v. Kayak Club 1 OCAHO 199 (1990)

Jack Huang v. Queens Motel 2 OCAHO 364 (1991)

Jaime Banuelos v. Transportation Leasing Company	1	OCAHO	255	(1990)
Jenlih John Hsieh v. PMC - Sierra, Inc.	9	OCAHO	1093	(2003)
Jesus Morales v. Cromwell's Tavern Restaurant	3	OCAHO	524	(1993)
John C. Grodzki v. OOCL, Inc.	1	OCAHO	295	(1991)
John R. Alvarez v. Interstate Highway Construction	3	OCAHO	430	(1992)
Juan J. Salcido v. New-Way Pork Company	3	OCAHO	425	(1992)
Kenneth Wade Parker, Jr. v. Wild Goose Storage, Inc.	9	OCAHO	1081	(2002)
Linda S. Walker v. United Airlines, Inc.	4	OCAHO	686	(1994)
Margarita Yefremov v. New York City Department of Transportation	3	OCAHO	466	(1992)
Maria Ofelia Prado-Rosales v. Montgomery Donuts, Inc.	3	OCAHO	418	(1992)
Mid-Atlantic Regional Organizing Coalition v. Heritage Landscaping Services, LLC	10	OCAHO	1134	(2010)
Mr. Doron Tal v. M. L. Energia, Inc.	3	OCAHO	519	(1993)
Natasha Dionne Humphries v. PalmOne	9	OCAHO	1112	(2004)
Omar Egal v. Sears Roebuck & Company	3	OCAHO	442	(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)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6	OCAHO	882	(1996)
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)
Stephen A. Lewis v. McDonald's Corporation	2	OCAHO	383	(1991)
United States v. 4431, Inc. t/a Candlelight Inn	4	OCAHO	611	(1994)
United States v. A & B Carpet Steam Cleaning & General Services, Corporation	1	OCAHO	219	(1990)
United States v. Aegis Fashion, Inc.	1	OCAHO	239	(1990)
United States v. Aid Maintenance Company, Inc.	6	OCAHO	893	(1996)
United States v. Alberta Sosa, Inc.	5	OCAHO	739	(1995)
United States v. Alberto Noriega-Perez	5	OCAHO	811	(1995)
United States v. Alvand, Inc. d/b/a 410 Diner	1	OCAHO	296	(1991)

United States v. American McNair, Inc.	1	OCAHO	167	(1990)
United States v. American Terrazzo Corporation d/b/a John Delallo Foods	6	OCAHO	828	(1995)
United States v. Ana Maria Villegas-Valenzuela	5	OCAHO	784	(1995)
United States v. Anchor Seafood Distributors, Inc. d/b/a Anchor Fish Company	4	OCAHO	718	(1994)
United States v. A-Plus Roofing, Inc.	1	OCAHO	209	(1990)
United States v. Armando Palacio d/b/a La Bahia Restaurant	1	OCAHO	230	(1990)
United States v. Basim Aziz Hanna d/b/a Ferris & Ferris Pizza	1	OCAHO	133	(1990)
United States v. Broadway Tire, Inc.	2	OCAHO	310	(1991)
United States v. Camidor Properties, Inc.	1	OCAHO	299	(1991)
United States v. Charo's Corporation d/b/a Charo's Restaurant	2	OCAHO	305	(1991)
United States v. Chesters Restaurants, Inc. d/b/a La Cabana Restaurant	1	OCAHO	113	(1989)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation	4	OCAHO	608	(1994)
United States v. Citizen's Utilities Company, Inc., Telephone Division	1	OCAHO	109	(1989)
United States v. Continental Sports Corporation	5	OCAHO	799	(1995)
United States v. Covered Bridge Farm Market, Inc. d/b/a Covered Bridge Garden Center	1	OCAHO	135	(1990)
United States v. Cristina Galeas	5	OCAHO	790	(1995)
United States v. Culinary Artistry, Inc. d/b/a Footer's Catering	1	OCAHO	217	(1990)
United States v. Cyrus Kiani d/b/a Copies, Etc.	1	OCAHO	165	(1990)
United States v. De Luca's Market	8	OCAHO	1039	(1999)
United States v. DJ Drywall, Inc.	10	OCAHO	1136	(2010)
United States v. Doug Eier d/b/a Blue Mountain Recreation and Cyclery	1	OCAHO	256	(1990)
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 Dorado Furniture Manufacturing, Inc. d/b/a El Dorado Furniture Manufacturer, Inc.	3	OCAHO	417	(1992)
United States v. Elder Jerez d/b/a Green Scaping	3	OCAHO	420	(1992)
United States v. Elsinore Manufacturing, Inc.	1	OCAHO	13	(1988)
United States v. Enrique Martinez and Herlinda Martinez d/b/a Enrique's Restaurant	2	OCAHO	360	(1991)
United States v. Esther Flores-Martinez	5	OCAHO	733	(1995)

United States v. Exim, Inc. and Jaime Monardes, Individually	3 OCAHO	591	(1993)
United States v. Felipe De Leon-Valenzuela	7 OCAHO	993	(1998)
United States v. Giamblis Enterprises	5 OCAHO	817	(1995)
United States v. Goldenfield Corporation d/b/a Rodeway Inn	2 OCAHO	321	(1991)
United States v. Halshan, Inc. d/b/a California Pacific	1 OCAHO	278	(1990)
United States v. Harris Ranch Beef Company	2 OCAHO	335	(1991)
United States v. Hilario Rodriguez, Jr.	1 OCAHO	276	(1990)
United States v. Israel Velasquez-Tabir	6 OCAHO	914	(1997)
United States v. James Q. Carlson d/b/a Jimmy On The Spot	1 OCAHO	298	(1991)
United States v. Jennifer Dittman d/b/a Ready Room Restaurant	1 OCAHO	195	(1990)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc.	6 OCAHO	851	(1996)
United States v. Jimmy Bai Huang d/b/a Great Wall Chinese Restaurant	1 OCAHO	287	(1991)
United States v. Johnny Ng Lim and Christina Lim Go d/b/a The New Orient	3 OCAHO	499	(1993)
United States v. Juan V. Acevedo	1 OCAHO	95	(1989)
United States v. Julio Carpio-Lingan	6 OCAHO	914	(1997)
United States v. Kangaroo Express of Pueblo	3 OCAHO	581	(1993)
United States v. Kumar	6 OCAHO	833	(1996)
United States v. L&M Tire Company, Inc.	1 OCAHO	134	(1990)
United States v. La Casona d/b/a La Casona Mexican Restaurant	4 OCAHO	712	(1994)
United States v. Lambok Sihombing	7 OCAHO	944	(1997)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm	1 OCAHO	122	(1990)
United States v. Leonor Yolanda Ortiz	6 OCAHO	863	(1996)
United States v. Louis Padnos Iron & Metal Co., a Corporation	3 OCAHO	414	(1992)
United States v. M.C.S.M. Inc. d/b/a Tre Fratelly Restaurant	3 OCAHO	544	(1993)
United States v. Manca Imports, Inc.	1 OCAHO	267	(1990)
United States v. Manos & Associates, Inc. d/b/a The Bread Basket Restaurant	1 OCAHO	130	(1989)
United States v. Maria Esther Lemus d/b/a Rancho Lemus	3 OCAHO	421	(1992)
United States v. Maria Sourovova	7 OCAHO	987	(1998)

United States v. Mario Saikhon, Inc.	1	OCAHO	279	(1990)
United States v. Marisol Chavez-Ramirez	5	OCAHO	774	(1995)
United States v. Mark Steven Carter d/b/a Dixie industrial Service Company	6	OCAHO	865	(1996)
United States v. Martin Palominos-Talavera	6	OCAHO	896	(1996)
United States v. Martina Limon-Perez	5	OCAHO	796	(1995)
United States v. Neighbors of Hawaii d/b/a Tower of Power	1	OCAHO	262	(1990)
United States v. Nicolas Tinoco-Medina	6	OCAHO	890	(1996)
United States v. Noel Plastering & Stucco, Inc.	2	OCAHO	377	(1991)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1	OCAHO	274	(1990)
United States v. Orlando Diaz-Rosas	4	OCAHO	702	(1994)
United States v. Patrol & Guard Enterprises, Inc.	8	OCAHO	1040	(2000)
United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service	5	OCAHO	760	(1995)
United States v. Penrod National Enterprises, Inc. d/b/a Floral Bionomics Landscape Management	3	OCAHO	541	(1993)
United States v. Power Operating Company	3	OCAHO	580	(1993)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	337	(1991)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	354	(1991)
United States v. PPJV, Inc. d/b/a Publishers Press	2	OCAHO	373	(1991)
United States v. Ricky Catalano d/b/a Papa Joe's Pizza	7	OCAHO	974	(1997)
United States v. Robert Marnul d/b/a Lamont Street Grill	3	OCAHO	441	(1992)
United States v. Roberto C. Davila	7	OCAHO	936	(1997)
United States v. Rosario Cuevas d/b/a El Pollo Real	1	OCAHO	273	(1990)
United States v. Sargetis d/b/a Castle Valley Sales, Inc., a Utah Corporation	1	OCAHO	232	(1990)
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	245	(1990)
United States v. Sergio Alaniz d/b/a Sagunada	1	OCAHO	297	(1991)
United States v. The Beverly Center	5	OCAHO	762	(1995)
United States v. Tom & Yu, Inc. t/a Peking Garden Restaurant	3	OCAHO	412	(1993)
United States v. Tri-Component Product Corporation	5	OCAHO	821	(1995)

United States v. Ulysses, Inc. and Ulysses Restaurant Group, Inc. 3 OCAHO 409 (1992)
United States v. USA Café 1 OCAHO 42 (1989)
United States v. Valencia Bar & Liquors, Inc. 7 OCAHO 995 (1998)
United States v. Weldco, Inc. and Weldco Components, Inc. d/b/a Weldco Products 3 OCAHO 483 (1993)
United States v. Weymoor Investments, Limited 1 OCAHO 56 (1989)
United States v. William and Maria Sievert 1 OCAHO 294 (1991)
United States v. Wood 'N Stuff 3 OCAHO 574 (1993)
United States v. Yin Tien Chen, Individually and Winning Orchards, LLC 9 OCAHO 1092 (2003)
Wisniewski v. Douglas County School System 1 OCAHO 29 (1988)
Zelleka Getahun v. DuPont Merck Pharmaceutical Company 8 OCAHO 1029 (1999)

Hearsay Evidence

Celia Simon v. Ingram Micro, Inc. 9 OCAHO 1088 (2003)
United States v. China Wok Restaurant, Inc., a Nebraska Corporation 4 OCAHO 608 (1994)
United States v. Snack Attack Deli, Inc. 10 OCAHO 1137 (2010)

Issue Is Material Only If It Might Affect the Outcome of the Case and Must Inevitably Be Decided

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 a (2015)

Issue of Fact Is Genuine Only If It Has A Real Basis in the Record

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)
United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Jurisdiction

Leonor Garcia v. Tia Maria's Cantina & Mexican Restaurante 7 OCAHO 970 (1997)

Knowledge

Martin John Shortt v. Dick Clark's American Bandstand Grill 10 OCAHO 1130 (2009)

United States v. Felipe De Leon-Valenzuela 7 OCAHO 993 (1998)
United States v. Haim Co., Inc. 7 OCAHO 988 (1998)
Liability

United States v. American Terrazzo Corporation d/b/a John Delallo Foods 6 OCAHO 828 (1995)
United States v. Benjamin P. Raygoza d/b/a Cielito Lindo Restaurant 5 OCAHO 729 (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. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
United States v. International Packaging, Inc. 12 OCAHO 1275 (2016)
United States v. Jim Bailey and Charles Fristoe d/b/a B & F Golf Services, Inc. 6 OCAHO 851 (1996)
Modification(s)

United States v. Paula Schwartz d/b/a Metroplex Maid and Placement Service 5 OCAHO 760 (1995)
Motion for Summary Decision Treated As Motion to Dismiss

Donna Yvette Miller v. United States Postal Service, Greater South Carolina District Office 12 OCAHO 1284 (2016)
Motion to Dismiss Treated As Motion for Summary Decision Where Evidence Outside Pleadings is Considered

United States v. Split Rail Fence Company, Inc. 11 OCAHO 1216 (2014)
Movant Bears Initial Burden to Demonstrate Absence of Genuine Issue of Material Fact

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)
United States v. Golden Employment Group, Inc. 12 OCAHO 1274 (2016)
United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)
United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)
United States v. Senox Corporation 11 OCAHO 1219 (2014)
United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Moving Party Who Bears Burden of Proof At Trial Must Present Sufficient Evidence to Support

United States v. Saidabror Siddikov d/b/a Beyond Cleaning Services 11 OCAHO 1257 (2015)

Nonmoving Party Who Bears Burden of Proof at Trial Must Present Sufficient Evidence to Support Claim

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)

Norberto Sagal Torres v. Pacific Continental Textiles, Inc. 10 OCAHO 1203 (2013)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

Notice to Pro Se Party

Carlos Aciar v. Rosen's Delicatessen 9 OCAHO 1086 (2002)

Parties Generally Not Put to Burden or Expense of Hearing Absent Genuine, Material Factual Issue

United States v. Employer Solutions Staffing Group II, LLC 11 OCAHO 1242 (2015)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

Party Moving for Summary Decision Must Show There Is No Genuine Issue of Material Fact

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

Party Opposed Must Provide Specific Facts Showing Genuine Issue of Material Fact for Hearing

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)

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Walter Oswaldo Paz-Martinez v. Securitas Security Services USA, Inc. 11 OCAHO 1260 (2015)

Party Opposed to Summary Decision May Not Rest on Mere Allegations or Denials in Pleading

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Muniz Concrete & Contracting, Inc. 12 OCAHO 1278 (2016)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Standard

Benjamin Barone v. Superior Washer and Gasket Corp. 10 OCAHO 1176 (2013)

Christine Delarese Stubbs v. Desoto Hilton, Maryland Hospitality, Inc. 8 OCAHO 1005 (1998)

Daniel Bendig v. Conoco, Inc. 9 OCAHO 1065 (2001)

Gurpreet Sodhi v. Maricopa County Special Health Care District 9 OCAHO 1127 (2007)

Jose Pablo Martinez v. Superior Linen 10 OCAHO 1180 (2013)

Natasha Dionne Humphries v. PalmOne 9 OCAHO 1112 (2004)

Robert S. Mathews v. Goodyear Tire & Rubber Company 7 OCAHO 929 (1997)

Russell M. Hamilton v. The Recorder 7 OCAHO 968 (1997)

United States v. Budiman Napitupulu 7 OCAHO 96 (1997)

United States v. IBP, Inc. 8 OCAHO 1021 (1999)

United States v. Jonel, Inc. 7 OCAHO 967 (1997)

United States v. Spring & Soon Fashion, Inc. 8 OCAHO 1003 (1998)

Summary Decision Appropriate Where Party is Entitled and Shows No Genuine Issue of Material Fact

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 (2015)

United States v. Cawoods Produce, Inc. 12 OCAHO 1280 (2016)

United States v. East Coast Foods, Inc. d/b/a Roscoe's House of Chicken N Waffles 12 OCAHO 1281 (2016)

United States v. Frio County Partners, Inc. d/b/a Jack's Produce Co. 12 OCAHO 1276 (2016)

United States v. Holtsville 811 Inc. d/b/a 7-Eleven (Store #39167) 11 OCAHO 1258 (2015)

United States v. Senox Corporation 11 OCAHO 1219 (2014)

Summary Decision Does Not Issue Automatically Even If Nonmoving Party Fails to Respond to Motion

United States v. Hair U Wear, LLC 11 OCAHO 1268 (2016)

United States v. Wave Green, Inc. d/b/a Golden Farm Market 11 OCAHO 1267 (2016)

Unsworn Factual Allegations Cannot Create Genuine Issue of Material Fact

United States v. Jalisco's Bar and Grill, Inc. 11 OCAHO 1224 (2014)

TAX PROTESTER

Attorney Fees

Gaylon D. Shepherd v. Sturm, Ruger & Company, Inc. 7 OCAHO 990 (1998)

Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 7 OCAHO 969 (1997)

Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 966 (1997)

Michael K. Lee v. Airtouch Communications 7 OCAHO 926 (1997)

Richard F. Lareau v. US Airways, Inc. 7 OCAHO 963 (1997)

Russell M. Hamilton v. The Recorder 7 OCAHO 978 (1997)

Discrimination

Christopher Winkler v. Timlin Corporation 6 OCAHO 912 (1997)

Costigan v. NYNEX 6 OCAHO 918 (1997)

Earl Russel Horne v. Town of Hampstead 6 OCAHO 906 (1997)

Eric Robin Cholerton v. Robert M. Hadley Company, Inc. 7 OCAHO 934 (1997)

Hollingsworth v. Applied Research Associates 7 OCAHO 942 (1997)

Hutchinson v. End Stage Renal Disease Network of Florida, Inc. 7 OCAHO 939 (1997)

James R. Cook v. Pro Source, Inc. 7 OCAHO 960 (1997)
Kosatschkow v. Allen-Stevens Corporation 7 OCAHO 938 (1997)
Lee v. AT&T 7 OCAHO 924 (1997)
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)
Richard F. Lareau v. US Airways, Inc. 7 OCAHO 932 (1997)
Ronald C. Wilson v. Harrisburg School District 6 OCAHO 919 (1997)
Werline v. Public Service Electric & Gas Company 7 OCAHO 935 (1997)

Dismissal

Christopher Winkler v. West Capital Financial Services 7 OCAHO 928 (1997)
Hutchinson v. End Stage Renal Disease Network of Florida, Inc. 7 OCAHO 939 (1997)
Hutchinson v. GTE Data Services 7 OCAHO 954 (1997)
Jay S. Manning v. The City of Jacksonville 7 OCAHO 956 (1997)
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 7 OCAHO 969 (1997)

Document Abuse

Bunn v. USX/US Steel 7 OCAHO 985 (1998)
Joyce J. Austin v. Jitney-Jungle Stores of America, Inc. 6 OCAHO 923 (1997)

Failure to State a Claim

Bunn v. USX/US Steel 7 OCAHO 985 (1998)
Russell M. Hamilton v. The Recorder 7 OCAHO 968 (1997)
Susan K. Horst v. Juneau School District City and Borough of Juneau 7 OCAHO 957 (1997)

Jurisdiction

Bunn v. USX/US Steel 7 OCAHO 985 (1998)

Christopher Winkler v. West Capital Financial Services	7 OCAHO	928		(1997)
D'Amico v. Erie Community College	7 OCAHO	948		(1997)
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)
Jay S. Manning v. The City of Jacksonville	7 OCAHO	956		(1997)
Kosatschkow v. Allen-Stevens Corporation	7 OCAHO	938		(1997)
Lee v. AT&T	7 OCAHO	924		(1997)
Lonnie W. Hogenmiller v. Lincare, Inc.	7 OCAHO	953		(1997)
Werline v. Public Service Electric & Gas Company	7 OCAHO	935		(1997)
Subject Matter Jurisdiction				
James R. Cook v. Pro Source, Inc.	7 OCAHO	960		(1997)
Richard F. Lareau v. US Airways, Inc.	7 OCAHO	932		(1997)
TEN DAY NOTICE RULE				
Generally				
United States v. Auburn University	3 OCAHO	564		(1993)
United States v. Frank's Meat Company, a Sole Proprietorship	3 OCAHO	513		(1993)
TIME COMPUTATIONS				
5/10 Year Rule				
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. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660		(1994)
Amended Order Does Not Toll Time Period for Filing Request for Review If Changes Are Only Clerical				
United States v. Buffalo Transportation, Inc.	11 OCAHO	1263	a	(2015)

Brief(s)

Ramnik M. Trivedi v. Northrop Corporation and Department of Defense	4 OCAHO	603	(1994)

Charge

Daniel D. Tiplea v. Reynolds Electrical & Engineering Company, Inc.	3 OCAHO	548	(1993)
Glauco Luiz Ortolano v. Wordperfect Company	4 OCAHO	716	(1994)
Jacob Roginsky v. Department of Defense, Center for Naval Analyses, EPL Analysis	2 OCAHO	348	(1991)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering	4 OCAHO	648	(1994)
Joan A. Lardy v. United Airlines, Inc.	4 OCAHO	595	(1994)
Jorge Mario Ipina v. Michigan Department of Labor	2 OCAHO	386	(1991)
Joseph E. Sabol v. Northern Michigan University	9 OCAHO	1107	(2004)
Julian Sahagun v. Bend-Pack, Inc.	5 OCAHO	809	(1995)
Linda S. Walker v. United Airlines, Inc.	4 OCAHO	686	(1994)
Roman Udala v. New York State Department of Education	4 OCAHO	633	(1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc.	6 OCAHO	882	(1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation	6 OCAHO	907	(1997)
Sara Caspi v. William J. Hoffman and Trigild Corporation	7 OCAHO	991	(1998)
United States v. Auburn University	4 OCAHO	602	(1994)
United States v. Auburn University	4 OCAHO	617	(1994)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	861	(1996)
United States v. Weld County School District	2 OCAHO	326	(1991)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company	4 OCAHO	653	(1994)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company	4 OCAHO	695	(1994)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)

Complaint

Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering	4 OCAHO	648	(1994)

Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
United States v. Agripac, Inc. 8 OCAHO 1028 (1999)
United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 601 (1994)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)

Continuing Violation(s)

United States v. Fairfield Jersey, Inc. 9 OCAHO 1069 (2001)

Date of Entry of the ALJ's Order Begins the 10-Day Time Period for Filing a Request for Review

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Documents are not Considered Filed Until Received By OCAHO

United States v. Buffalo Transportation, Inc. 11 OCAHO 1263 a (2015)

Equitable Estoppel

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)
Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)

Equitable Tolling

Ashwani Goel v. Indotronix Internation Corporation 9 OCAHO 1102 (2003)
Ephrain Manuel Berlanga v. Butterball Company 4 OCAHO 669 (1994)
Galdino Casillas Garcia v. McCarron Electric Company 5 OCAHO 747 (1995)
Glauco Luiz Ortolano v. Wordperfect Company 4 OCAHO 716 (1994)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Joseph E. Sabol v. Northern Michigan University 9 OCAHO 1107 (2004)
Linda S. Walker v. United Airlines, Inc. 4 OCAHO 686 (1994)
Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)
Ramnik M. Trivedi v. Northrop Corporation and Department of Defense 4 OCAHO 600 (1994)

Roman Udala v. New York State Department of Education 4 OCAHO 633 (1994)
Rosa Isela Olivares Aguirre v. KDI American Products, Inc. 6 OCAHO 882 (1996)
Salim J. Hajiani v. Ali Properties, LLC, Airport Shell 10 OCAHO 1188 (2013)
Sara Caspi v. William J. Hoffman and Trigild Corporation 7 OCAHO 991 (1998)
United States v. Workrite Uniform Company, Inc. 5 OCAHO 736 (1995)
Wartan Bozoghlanian v. Magnavox Advanced Products and Systems Company 4 OCAHO 653 (1994)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division 4 OCAHO 660 (1994)

Filing of EEOC Charge Does Not Toll Limitations Period for Filing of OSC Charge

Oswalde Woode v. Central Regional Hospital NCDHHS Agency 11 OCAHO 1235 (2014)

Generally

Crecencio Cabrera Mendez v. Jim Daniels 2 OCAHO 374 (1991)
George Suchta v. United States Postal Service 2 OCAHO 327 (1991)
In re Investigation of Modern Maintenance, Subpoena 2 OCAHO 359 (1990)
Jack N. Toussaint v. Tekwood Data Processing Consulting 6 OCAHO 892 (1996)
John C. Grodzki v. OOCL, Inc. 1 OCAHO 295 (1991)
Juan J. Salcido v. New-Way Pork Company 3 OCAHO 425 (1992)
Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)
Sanchez v. Leobardo and Carmen Ocanas d/b/a Leo Ocanas Farm 9 OCAHO 1115 (2005)
Stephen A. Lewis v. McDonald's Corporation 2 OCAHO 383 (1991)
United States v. Christie Automotive Products 2 OCAHO 365 (1991)
United States v. Cindy L. Golchuk d/b/a Rancho Sierra Drywall 2 OCAHO 353 (1991)
United States v. Dodge Printing Centers, Inc. 1 OCAHO 181 (1990)
United States v. G.L.C. Restaurant, Inc. d/b/a Capriccio Restaurant 2 OCAHO 389 (1991)
United States v. Lee Moyle, Owner d/b/a Moyle Mink Farm 1 OCAHO 96 (1989)
United States v. Mesa Airlines 1 OCAHO 74 (1989)
United States v. New El Rey Sausage Company 1 OCAHO 785 (1989)

United States v. Nu Look Cleaners of Pembroke Pines, Inc.	2 OCAHO	303	(1991)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	2 OCAHO	312	(1991)
United States v. Robert Cleek d/b/a Robert Cleek Concrete Company	1 OCAHO	182	(1990)
United States v. Sophie Valdez d/b/a La Parilla Restaurant	1 OCAHO	91	(1989)
United States v. Southwest Marine Corporation, a California Corporation	2 OCAHO	400	(1989)
United States v. Southwest Marine Corporation, a California Corporation	3 OCAHO	429	(1992)
United States v. Weld County School District	2 OCAHO	378	(1991)
Wartan Bozoghlanian v. Raytheon Company, Electromagnetic Systems Division	4 OCAHO	660	(1994)
Memorandum of Understanding (MOU)			
Jack N. Toussaint v. Tekwood Data Processing Consulting	6 OCAHO	892	(1996)
Sara Caspi v. William J. Hoffman and Trigild Corporation	6 OCAHO	907	(1997)
Sara Caspi v. William J. Hoffman and Trigild Corporation	7 OCAHO	991	(1998)
United States v. Auburn University	4 OCAHO	617	(1994)
United States v. Hyatt Regency Lake Tahoe	6 OCAHO	879	(1996)
TITLE VII			
Direct Evidence			
Dolores Garcia Contreras v. Cascade Fruit Company	9 OCAHO	1090	(2003)
Generally			
Adnan Niaz Mir v. Federal Bureau of Prisons	3 OCAHO	510	(1993)
Corneliu Curuta v. United States Water Conservation Laboratory	3 OCAHO	459	(1992)
Emil Anis Halim v. Accu-Labs Research, Inc.	3 OCAHO	474	(1992)
Ghaffar Sepahpour v. Unisys, Inc.	3 OCAHO	500	(1993)
Jack Huang v. Queens Motel	2 OCAHO	364	(1991)
Jaime Banuelos v. Transportation Leasing Company	1 OCAHO	156	(1990)
Jose Ortega v. Vermont Bread	3 OCAHO	475	(1993)

Margarita Yefremov v. New York City Department of Transportation 3 OCAHO 466 (1992)
Marian Ryba v. Temple Steel Company 1 OCAHO 289 (1991)
Michael Williamson v. Autorama, Inc. 1 OCAHO 174 (1990)
Noemi Barragan-Mandujano Romo v. Todd Corporation 1 OCAHO 25 (1988)
Olegario Munoz v. Pastel Furniture Manufacturing Company 3 OCAHO 457 (1992)
Omar Egal v. Sears Roebuck & Company 3 OCAHO 442 (1992)
Rosa Maria Tovar v. Rick Misquez d/b/a A.P. Esteve Sales 3 OCAHO 458 (1992)
Syed Fayyaz v. The Sheraton Corporation 1 OCAHO 152 (1990)
United States v. Lasa Marketing Firms, a California Partnership 1 OCAHO 106 (1989)
United States v. Marcel Watch Corporation 1 OCAHO 143 (1990)
United States v. San Diego Semiconductors, Inc. 2 OCAHO 314 (1991)
United States v. Weld County School District 2 OCAHO 326 (1991)
United States v. Weld County School District 2 OCAHO 378 (1991)

INA Prohibits Overlap With Claims of National Origin Discrimination Covered by Title VII

Nicasio Angulo v. Securitas Security Services USA, Inc. 11 OCAHO 1259 (2015)
Travis John Guth v. Kaiser Permanente Hawaii 10 OCAHO 1190 (2013)

Intent to Discriminate

United States v. Diversified Technology and Services of Virginia, Inc. 9 OCAHO 1095 (2003)

Jurisdiction

Drahomira Adame v. Dunkin Donuts 4 OCAHO 691 (1994)
Drahomira Adame v. Dunkin Donuts 5 OCAHO 722 (1995)
Jixian Pan v. Christian Engineering Company d/b/a Jude Engineering 4 OCAHO 648 (1994)
Mr. Doron Tal v. M. L. Energia, Inc. 4 OCAHO 705 (1994)
United States v. Hotel Martha Washington Corporation 5 OCAHO 786 (1995)

Retaliation

United States v. Shirley Fuimoto, Hawaii Government Employees Association 7 OCAHO 937 (1997)

Mixed Motive Discrimination

Dolores Garcia Contreras v. Cascade Fruit Company 9 OCAHO 1090 (2003)

United States v. Rosario Strano and Vito Strano d/b/a Strano Farms 4 OCAHO 636 (1994)

OCAHO Jurisprudence Looks To Cases Under Title VII for General Guidance in Interpreting Section 1324b

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

Retaliation

Krzysztof Zarazinski v. Anglo Fabrics, Company 4 OCAHO 638 (1994)

Linda Chellouf v. Inter American University of Puerto Rico 12 OCAHO 1269 (2016)

VACATIONS

Finding of Fact and Conclusion of Law Not Support by Record

United States v. Crescent City Meat Company, Inc. 11 OCAHO 1217 (2014)

Remand

United States v. Jabil Circuit, Inc. 10 OCAHO 1146 (2012)

VENUE

Generally

Benjamin A. K. Yohan v. Central State Hospital 4 OCAHO 593 (1994)

Hernandez v. Farley Candy Company 5 OCAHO 781 (1995)

Joan A. Lardy v. United Airlines, Inc. 3 OCAHO 493 (1993)

WITHDRAWAL

Administrative Law Judge

United States v. Nu Look Cleaners of Pembroke Pines, Inc. 2 OCAHO 312 (1991)

Admission(s)

United States v. Tempo Plastic Company, Inc.	8 OCAHO	1010	(1998)

Attorney(s)

United States v. ABC Roofing & Waterproofing, Inc.	2 OCAHO	397	(1991)
United States v. Butterfly Legwear, Inc. d/b/a Classic Hosiery, Inc.	6 OCAHO	900	(1996)
United States v. Cristina Galeas	5 OCAHO	790	(1995)
United States v. El Mexicano Taco Shop	1 OCAHO	59	(1989)
United States v. Esther Flores-Martinez	4 OCAHO	647	(1994)
United States v. Esther Flores-Martinez	4 OCAHO	682	(1994)
United States v. Flat Knitting Mills Company, Inc.	2 OCAHO	317	(1991)
United States v. Green Plaza, Inc.	4 OCAHO	618	(1994)
United States v. I.K.K. Associates, Inc. d/b/a Ocean Avenue Restaurant and Japan Express Restaurants	1 OCAHO	131	(1990)
United States v. K & M Fashions, Inc.	3 OCAHO	411	(1992)
United States v. Leonor Yolanda Ortiz	6 OCAHO	904	(1996)
United States v. Maria Celia Aispuro-Nunez	5 OCAHO	745	(1995)
United States v. Mark's Electrical Contracting Corporation	4 OCAHO	641	(1994)
United States v. Midtown Fashion, Inc.	4 OCAHO	657	(1994)
United States v. Midtown Fashion, Inc.	4 OCAHO	665	(1994)
United States v. Mourad Abu Remileh	4 OCAHO	680	(1994)
United States v. Nancy Mubarki	5 OCAHO	816	(1995)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1 OCAHO	207	(1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1 OCAHO	236	(1990)
United States v. Nu Look Cleaners of Pembroke Pines, Inc.	1 OCAHO	284	(1991)
United States v. Pan American Supply Company, Inc.	5 OCAHO	804	(1995)
United States v. Renato Parondo Jaque	6 OCAHO	823	(1995)
United States v. Scandia Interiors, Inc.	1 OCAHO	290	(1991)

United States v. William D. Boatright and Hanie Boatright d/b/a BNB Kennels 3 OCAHO 589 (1993)
United States v. Ziagul Zekreya 4 OCAHO 683 (1994)
Charging Party

United States v. Monfort, Inc. 4 OCAHO 597 (1994)
Effect on Settlement

United States v. American Airlines 8 OCAHO 1044 (2000)
Generally

Leonid Naginsky v. Department of Defense 5 OCAHO 795 (1995)
Motion(s)

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)
Office of Special Counsel

United States v. Auburn University 4 OCAHO 658 (1994)
Party/Parties

Earl Russel Horne v. Town of Hampstead 6 OCAHO 884 (1996)
United States v. Auburn University 4 OCAHO 662 (1994)
Representation

United States v. Esther Flores-Martinez 4 OCAHO 647 (1994)
United States v. Renato Parondo Jaque 6 OCAHO 823 (1995)
Request for a Hearing

United States v. Kanon Associated Services, Inc. 5 OCAHO 800 (1995)
WITNESSES

Generally

Alberto Izquierdo v. Victoria Nursing & Rehabilitation Center	10	OCAHO	1131	(2009)
United States v. Armando Alvarez-Suarez	4	OCAHO	655	(1994)
United States v. Dolly Boman Irani	6	OCAHO	860	(1996)
United States v. Mushtaq Ahmed Chaudhry	3	OCAHO	588	(1993)