

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

June 11, 2024

ZAJI OBATALA ZAJRADHARA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2021B00019
)	
MISAMIS CONSTRUCTION (SAIPAN) LTD.,)	
Respondent.)	
_____)	

Appearances: Zaji Obatala Zajradhara, pro se Complainant
Misamis Construction (Saipan) LTD., pro se Respondent

ORDER OF DISMISSAL – FINAL ORDER

This case arises out of the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b.

On February 8, 2021, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Misamis Construction (Saipan) Ltd. Complainant alleges Respondent engaged in citizenship and national origin discrimination, and retaliated against him for engaging in a protected activity. Compl. 8, 11.

On October 12, 2022, the Court issued an Order Issuing Stay – Jurisdictionally Deficient Complaint. *Zajradhara v. Misamis Constr. (Saipan) Ltd.*, 15 OCAHO no. 1396b (2021).¹ The Order noted Complainant did not respond to two separate orders by the Court related to his

¹ Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedent subsequent to Volume 8, where the decision has not yet reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

jurisdictionally deficient complaint. *Id.* at 1–3. Because of the deficiencies, the Court found that “the appropriate disposition [of the matter] is dismissal of the case.” *Id.* at 3 (citation omitted). While the Court was able to reach this conclusion, it was unable to execute it at the time, which resulted in issuance of a stay of proceedings.²

“On October 12, 2023, the Department of Justice published an interim final rule providing for review by the Attorney General of OCAHO Administrative Law Judge (ALJ) final orders in cases arising under 8 U.S.C. § 1324b.” *Zajradhara v. HDH Co., Ltd.*, 16 OCAHO no. 1417d, 2 (2023) (citing Office of the Chief Administrative Hearing Officer, Review Procedures, 88 Fed. Reg. 70586 (Oct. 12, 2023) (codified at 28 C.F.R. pt. 68)). The regulation resolved the issue that led to this stay. *See id.*; *Heath v. SpringShine Consulting*, 16 OCAHO no. 1421d, 2 (2023); *Zajradhara v. E-Supply Enters.*, 16 OCAHO no. 1438h, 2 (2023). Accordingly, the Court now lifts the stay of proceedings.

With the stay lifted, the Court now executes the decision referenced in the October 2022 Order. The complaint is DISMISSED WITHOUT PREJUDICE.³

This is a Final Order.

SO ORDERED.

Dated and entered on June 11, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

² *See Zajradhara*, 15 OCAHO no. 1396b, at 3 (citing *A.S. v. Amazon Web Servs., Inc.*, 14 OCAHO no. 1381o, 2–3 (2022); and then citing *Ravines de Schur v. Easter Seals-Goodwill N. Rocky Mountain, Inc.*, 15 OCAHO no. 1388g, 2 (2022); and then citing *Rodriguez Garcia v. Farm Stores*, 17 OCAHO no. 1449, 2–3 (2022)).

³ As a result, Respondent’s pending Motion for Default Judgment is rendered MOOT.

Appeal Information

This order shall become the final agency order unless modified, vacated, or remanded by the Attorney General. Provisions governing the Attorney General's review of this order are set forth at 28 C.F.R. pt. 68. Within sixty days of the entry of an Administrative Law Judge's final order, the Attorney General may direct the CAHO to refer any final order to the Attorney General for review, pursuant to 28 C.F.R. § 68.55.

Any person aggrieved by the final order has sixty days from the date of entry of the final order to petition for review in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business. *See* 8 U.S.C. § 1324b(i)(1); 28 C.F.R. § 68.57. A petition for review must conform to the requirements of Rule 15 of the Federal Rules of Appellate Procedure.