

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

May 23, 2024

US TECH WORKERS ET. AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00069
)	
PAYLOCITY,)	
Respondent.)	
_____)	

Appearances: John M. Miano, JD, for Complainant
Stephen H. Smalley, Esq. and Vanessa N. Garrido, Esq., for Respondent

ORDER GRANTING EXTENSION OF TIME

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 19, 2024. Complainant alleges that Respondent, Paylocity, discriminated on the basis of citizenship, in violation of 8 U.S.C. § 1324b. Respondent filed its Answer and Affirmative Defenses on May 9, 2024.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint. On May 21, 2024, Respondent filed a Consent Motion for Extension of Time to Respond to Complainant’s May 13 motion, seeking an additional fourteen days to respond to Complainant’s motion. Respondent asserts that it needs more time to review the motion, the motion is made for good cause and not for the purpose of delay, Respondent has not previously filed a motion, and Complainant agreed to the extension. Consent Mot. Extension Time 1-2.

Pursuant to 28 C.F.R. § 68.11(b), a party may file a response to any motion within ten days after a written motion is served, making the response due May 23, 2024.

“OCAHO rules do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021) (citations omitted).¹ Good cause requires “a demonstration of good faith on the part of the party

¹ Citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet reprinted in a bound volume, reflect the volume number and the case number of the particular decision. Pinpoint citations are to pages within the original issuances; the beginning page number

seeking an enlargement of time and some reasonable basis for noncompliance with the time specified in the rule.” *Id.* (citations omitted).

The Court finds that Respondent has shown good cause for an extension of the deadline to file a response to Complainant’s motion. Given that Complainant agreed to the motion, it is the first extension, and a request for fourteen days is unlikely to impact the proceedings, the extension is GRANTED. *See, e.g., United States v. Space Exploration Techs. Corp.*, 18 OCAHO no. 1499, 7 (2023). Respondent has until June 6, 2024, to respond to Complainant’s Motion to Consolidate and for Leave to File a Consolidated Amended Complaint.

SO ORDERED.

Dated and entered on May 23, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

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 <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.