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

June 20, 2024

ZAJI OBATALA ZAJRADHARA, Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024B00063
PURE WATER CORP., Respondent.	)	

ORDER TO SHOW CAUSE

On March 7, 2024, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Pure Water Corp. Complainant alleges that Respondent engaged in citizenship status discrimination, national origin discrimination, and retaliation in violation of the antidiscrimination provisions of the Immigration and Nationality Act, as amended, 8 U.S.C. §§ 1324b(a)(1) and (a)(5).

The Chief Administrative Hearing Officer sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA), as well as a copy of the Complaint, on March 18, 2024, via United States Postal Service (USPS) certified mail. The NOCA stated that these proceedings would be governed by OCAHO rules[1] and applicable case law. Notice Case Assign. 1. It also directed Respondent to file an answer within thirty (30) days or risk judgment by default. *Id.* at 3 (citing 28 C.F.R. §§ 68.3(b), 68.9, 68.9(b)).

The Complaint and NOCA were returned to this office, and the USPS website's tracking service indicated "Alert: Insufficient Address." This office resent the Complaint and NOCA to the company address provided on Complainant's complaint form filed with the Department of Justice's Immigrant and Employee Rights Section. The USPS website's tracking service indicates that the Complaint and NOCA were "delivered, individual picked up at postal facility" on April 9, 2024. Therefore, an answer was due no later than May 20, 2024. 28 C.F.R. §§ 68.3(a), 68.3(b), 68.9(a). To date, Respondent has not filed an answer.

[1] OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

Per OCAHO rules, a "[f]ailure of the respondent to file an answer within the time provided may be deemed to constitute a waiver of his or her right to appear and contest the allegations of the complaint. The Administrative Law Judge may enter a judgment by default." 28 C.F.R. § 68.9(b). "If a default judgment is entered . . . judgment is entered for the complainant without a hearing." *United States v. Cabello Recovery and Auction Servs., Inc.*, 18 OCAHO no. 1514, 2 (2024) (quoting *Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004)); *United States v. Glen Echo Pharmacy, Inc.*, 18 OCAHO no. 1520, 2 (2024) (same).[2]

The Court therefore ORDERS Respondent, Pure Water Corp., to file an answer that satisfies 28 C.F.R. § 68.9(c) within thirty days of this Order. This answer should include (1) "[a] statement that the respondent admits, denies, or does not have and is unable to obtain sufficient information to admit or deny each allegation" and (2) "[a] statement of the facts supporting each affirmative defense." 28 C.F.R. § 68.9(c)(1)–(2).

The Court FURTHER ORDERS Respondent to demonstrate good cause within thirty days of this Order for not timely filing an answer by May 20, 2024. *See United States v. ALCO Constr., Inc.*, 18 OCAHO no. 1517, 4 (2024) (requiring a showing of good cause for failure to timely file an answer). In this filing, Respondent shall also confirm a preferred mailing address at which it will receive service of this Court's orders for the remainder of this case.

If Respondent does not file an answer and show good cause for its initial failure to timely file an answer, the Court may enter judgment by default against Respondent, pursuant to 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on June 20, 2024.

Honorable Jean C. King
Chief Administrative Law Judge

[2] 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 precedents 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 http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders.