

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

June 25, 2024

US TECH WORKERS, ET AL.,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024B00088
)	
)	
CAST 21,)	
Respondent.)	
_____)	

Appearances: John Miano, for Complainant
No Appearances for Respondent

ORDER TO SHOW CAUSE & NOTICE (COMPLAINT MAY BE DISMISSED)

I. PROCEDURAL HISTORY

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 19, 2024, against Respondent, Cast 21. Complainant alleges Respondent engaged in discrimination based on citizenship status (hiring), in violation of 8 U.S.C. § 1324b(a)(1).

On April 1, 2024, OCAHO sent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) and a copy of the Complaint by United States Postal Service (USPS) certified mail to the address for Respondent listed on the Complaint. Service was unsuccessful.¹

¹ According to the USPS tracking service website, the documents are being “returned to sender... because the address was vacant or the business was no longer operating at the location and no further information was available.”

On May 16, 2024, this Court ordered the Complainant to submit a mailing address for Respondent by June 6, 2024. Order – Complainant to Provide Address 1. To date, Complainant has not responded to that order.

II. LAW AND ANALYSIS

When OCAHO “encounters difficulty with perfecting service, [the Court] may direct that a party execute service of process.” 28 C.F.R. § 68.63(c); see also Order – Complainant to Provide Address 1. Here, the Court was unable to effectively serve Respondent and ordered Complainant to provide a working address for Respondent. Order – Complainant to Provide Address 1.

“OCAHO case law demonstrates that in instances when a complaint cannot be effectively served, it is dismissed without prejudice[.]” *Ramirez v. Sam’s Club*, 18 OCAHO no. 1525, 2 (2024) (quoting *Heath v. VBeyond Corp. & an Anon. Empl’r*, 14 OCAHO no. 1368a, 3-4 (2020)). The May 2024 Order placed Complainant on notice of this prospect. Order – Complainant to Provide Address 2.

Complainant is now provided an opportunity to submit a filing showing good cause as to why the Complaint should not be dismissed without prejudice consistent with OCAHO precedential decisions. See *Yeung v. Wash. State Dept. Licensing*, 17 OCAHO no. 1473a, 2 (2024) (requiring Complainant to submit a good cause filing for failure to timely file a response with a working address for Respondent). Such a filing is due by July 12, 2024.

SO ORDERED.

Dated and entered on June 25, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge