

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

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
)	8 U.S.C. § 1324b Proceeding
v.)	OCAHO Case No. 2024B00046
)	
ILLINOIS TOOL WORKS, INC.,)	
Respondent.)	
)	

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

ORDER ISSUING STAY OF PROCEEDINGS

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, 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 February 9, 2024, against Respondent, Illinois Took Works, Inc. Complainant alleges that Respondent engaged in citizenship status discrimination in hiring in violation of 8 U.S.C. § 1324b(a)(1). On April 2, 2024, Respondent filed an Answer and Affirmative Defenses.

On April 18, 2024, the Court issued an Order Setting Prehearing Conference and General Litigation Order. The Court scheduled an initial telephonic prehearing conference for June 10, 2024 at 9:00 a.m. ET. Order Setting Prehr’g Conf. & Gen. Lit. Order 1.

On May 13, 2024, Complainant filed a Motion to Consolidate and for Leave to File a Consolidated Amended Complaint (Motion to Consolidate). Following an extension of time to do so, Respondent filed its Response to Complainant’s Motion to Consolidate and for Leave to File a Consolidated Amended Complaint on June 5, 2024.

Given the pendency of the Motion to Consolidate, the Court finds that it would serve judicial economy and efficiency to issue a stay of proceeding pending adjudication of the motion. “The OCAHO Rules vest the Administrative Law Judge (ALJ) with all appropriate powers necessary to regulate the proceedings.” Heath v. Amazee Glob. Ventures, Inc., 16 OCAHO no. 1433, 2 (2022) (citing Hsieh v. PMC-Sierra, Inc., 9 OCAHO no. 1091, 5 (2003)); 28 C.F.R. § 68.28(a). This includes the power to issue stays of proceedings. United States v.

Black Belt Sec. & Investigations, 17 OCAHO no. 1456b, 2 (2023) (citing Hsieh, 9 OCAHO no. 1091, at 5). The issuance of a stay “calls for the exercise of judgment, which must weigh competing interests and maintains an even balance,” and “should not be granted absent a clear bar to moving ahead.” See Heath v. ConsultAdd, 15 OCAHO no. 1395b, 2 (2022) (quoting Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), and then quoting Monda v. Staryhab, Inc., 8 OCAHO no. 1002, 86, 91 (1998)). Here, the Court finds that it would be prudent to cancel the initial prehearing conference, as the pendency of the Motion to Consolidate currently presents a bar to the Court’s ability to set an appropriate case schedule in this matter.

Therefore, it is ORDERED that proceedings are STAYED pending resolution of Complainant’s Motion to Consolidate and for Leave to File a Consolidated Amended Complaint, and the prehearing conference is CANCELLED.

SO ORDERED.

Dated and entered June 25, 2024.

John A. Henderson
Administrative Law Judge