

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

July 2, 2024

US TECH WORKERS, ET AL.,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2024B00089
	)	
BOARD OF TRUSTEES OF	)	
THE UNIVERSITY OF ILLINOIS,	)	
Respondent.	)	
_____	)	

Appearances: John Miano, Esq., for Complainant  
Mary Deweese, Esq., and Kelli Meilink, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION – ANSWER DEADLINE

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, 8 U.S.C. § 1324b.

On March 19, 2024, Complainant, US Tech Workers, et al., filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) against Respondent, Board of Trustees of the University of Illinois.<sup>1</sup> On April 1, 2024, the Chief Administrative Hearing Officer (CAHO) sent the parties a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA). Respondent received the Complaint and NOCA on April 30, 2024, making the answer due by May 30, 2024. 28 C.F.R. §§ 68.3(b), 68.9(a).<sup>2</sup>

On June 3, 2024, Respondent filed a Motion for Extension of Time to File an Answer in which it informed the Court that Complainant had mis-identified the Respondent as Discovery Partners Institute, and the properly identified Respondent is the Board of Trustees of the University of Illinois. Upon receipt of this information, the Court deemed it prudent to issue a Notice to Parties regarding

<sup>1</sup> The Complaint initially named Discovery Partners Institute as Respondent. The Court updated the Respondent based on Respondent’s Motion for an Extension of Time.

<sup>2</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2023).

the detailed Administrative Law Judge’s connection to the University of Illinois at Urbana-Champaign. The parties were permitted to submit filings in response to the Notice to Parties (due by June 21, 2024), and both parties declined to submit anything for the Court’s consideration. Now, the Court will turn to adjudicating Respondent’s Motion.

Respondent requests an extension of time to file the answer until July 10, 2024, citing the need for additional time to review the allegations of the complaint, and the unavailability of key personnel between June 26 and June 29, 2024, and the Fourth of July holiday.

“OCAHO’s Rule of Practice and Procedure for Administrative Hearings do not provide specific standards for granting extensions, but the standard routinely applied is good cause.” *US Tech Workers v. Walgreens*, 19 OCAHO no. 1541, 2 (2024) (quoting *United States v. Space Expl. Techs.*, 18 OCAHO no. 1499, 5 (2023)) (internal quotations omitted).<sup>3</sup> “Good cause requires ‘a demonstration of good faith on the part of the party seeking an enlargement of time and some reasonable basis for noncompliance within the time specified in the rules.’” *Lowden v. Ann Arbor Elec. JATC Training Ctr.*, 18 OCAHO no. 1490, 2 (2023) (quoting *Tingling v. City of Richmond*, 13 OCAHO no. 1324c, 2 (2021)).

The Court finds Respondent has shown good cause for an extension. The short time requested creates no prejudice to Complainant, and does not otherwise materially impact these proceedings. Further, Complainant did not oppose the motion. *Space Expl. Techs. Corp.*, 18 OCAHO no. 1499, at 7 (finding good cause for extension of answer deadline where the motion was agreed, it was the first requested extension, and the request for 30 days was unlikely to substantially impact the proceedings).

Respondent’s Motion for Extension of Time is GRANTED, and Respondent’s answer to the Complaint is due by July 10, 2024.

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<sup>3</sup> 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 been 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 “FIMOCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

SO ORDERED.

Dated and entered on July 2, 2024.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge