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

January 30, 2024

ZAJI OBATALA ZAJRADHARA,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
V.	)	OCAHO Case No. 2024B00006
	)	
GUAM ADVANCE ENTERPRISES, INC.,	)	
Respondent.	)	
	)	

## ORDER TO SHOW CAUSE

## I. BACKGROUND

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on October 3, 2023. Complainant alleges that Respondent, Guam Advance Enterprises, Inc., discriminated and retaliated against him in violation 8 U.S.C. §§ 1324b(a)(1) and (a)(5).

This office sent Respondent a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices and a copy of the complaint (collectively the complaint package) on October 16, 2023, via U.S. certified mail. The Court used the address for Respondent provided in the Complaint. *See* Compl. 6. The NOCA directed that an answer was to be filed within thirty days of receipt of the complaint, that failure to answer could lead to default, and that proceedings would be governed by Department of Justice regulations.<sup>1</sup>

On November 20, 2023, the Court received the complaint package returned as undeliverable. A sticker on the envelope indicated "Return to Sender, Attempted-No Known, Unable to Forward, Return to Sender." The USPS tracking website also indicates that the complaint package was "Refused," as well as "Addressee Unknown" on October 23, 2023, and was returned to the Court.

On November 30, 2023, this office re-sent the complaint package to the address listed for Respondent on the Complaint form. The USPS tracking website information indicates that the

<sup>&</sup>lt;sup>1</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

complaint package was again "Refused," as well as "Addressee Unknown" on December 11, 2023, and was subsequently returned to the Court.

Also on November 30, 2023, the Court sent the complaint package to two alternate addresses. First, the Court sent the complaint package to an additional address for Respondent's Registered Agent listed on a "hotline web form" attached to the Complaint. According to the USPS tracking website, the copy of the complaint package was picked up at the postal facility on December 11, 2023. Second, the Court sent the complaint package to an alternate address for Respondent listed on a publicly available government website. According to the USPS tracking website, this complaint package was picked up from the postal facility on December 12, 2023.

As such, an answer was due no later than January 11, 2024. See 28 C.F.R. §§ 68.3(a), 68.9(a).

To date, Respondent has not filed an answer.

## II. ORDER TO SHOW CAUSE

Under the OCAHO Rules of Practice and Procedure, to contest a material fact alleged in the complaint, a respondent must file an answer. 28 C.F.R. § 68.9(c). Failure 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." *Id.* § 68.9(b); *see also Nickman v. Mesa Air Grp.*, 9 OCAHO no. 1106, 1 (2004) (holding that if default judgment is entered, judgment may be entered for the complainant without a hearing).<sup>3</sup>

The Court therefore ORDERS Respondent, Guam Advance Enterprises, Inc., to file an answer that comports with 28 C.F.R. § 68.9(c), within thirty days of the date of this Order.<sup>4</sup> An answer includes "[a] statement that the respondent admits, denies, or does not have and is unable to obtain

<sup>&</sup>lt;sup>2</sup> See pandemicoversight.gov/ppp-simple-search-landing (last visited Jan. 25, 2024). The Court may take official notice of "matters of public record," reflecting "information maintained in government records," whose accuracy is not disputed. See United States v. Koy Chinese & Sushi Rest., 16 OCAHO no. 1416d, 4 (2023) (CAHO Notification of Administrative Review) (citing, among other things, 28 C.F.R. § 68.41).

<sup>&</sup>lt;sup>3</sup> 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 http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders.

<sup>&</sup>lt;sup>4</sup> Pleadings and briefs may be filed by facsimile to toll the time limit. 28 C.F.R. § 68.6(c). All original signed pleadings must be forwarded concurrently with the transmission of the facsimile, and the facsimile must include a certification that service on the opposing party has also been made by facsimile, hand delivery, or overnight delivery service. *Id.* 

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sufficient information to admit or deny each allegation" and "[a] statement of fact supporting each affirmative defense." § 68.9(c)(1)–(2).

The Court further ORDERS Respondent Guam Advance Enterprises, Inc., to file a submission that demonstrates good cause for its failure to timely file an answer, within thirty days of the day of this Order.

Should Respondent fail to respond as ordered or cannot show good case, the Court may enter a default judgment against Respondent pursuant to 28 C.F.R. § 68.9(b).

SO ORDERED.

Dated and entered on January 30, 2024.

Honorable Jean C. King Chief Administrative Law Judge