

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

UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 2024A00029
	)	
THE METRO GROUP, INC.,	)	
Respondent.	)	
	)	

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Appearances: David Shteingart, Esq., for Complainant  
Mikhail Ratner, Esq., for Respondent

ORDER ON MOTION FOR EXTENSION

I. PROCEDURAL HISTORY

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. On January 2, 2024, the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO). The complaint alleges that Respondent, The Metro Group, violated 8 U.S.C. § 1324a(a)(1)(B), by failing to prepare and/or present the employment eligibility verification form (Form I-9) for 157 individuals, and failing to ensure that the employees properly completed Section 1 and/or failed to properly complete Section 2 or 3 of the Form I-9 for fifteen individuals.

On February 13, 2024, Respondent filed by fax a Motion for Extension of Time to File Answer, which was originally due by February 18, 2024. In its motion, Respondent’s counsel explained that he had a serious health issue that impeded his ability to timely file an answer, as he is the only attorney for Respondent. Mot. Extension 1. Respondent’s counsel requested a thirty-day extension to prepare and submit the Answer, or in the alternative, to secure another attorney to represent Respondent. *Id.* Respondent’s counsel indicated that he had contacted Complainant’s counsel to inform him that he would be filing the motion. *Id.* Complainant did not file a response indicating any objection to the extension.

II. LAW AND ANALYSIS

“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.” United States v. Space Exploration Techs., 18 OCAHO no. 1499, 5 (2023) (citing United States v. Exim, 3 OCAHO no. 591, 1925, 1929 (1993); United States v. Four Star Knitting, Inc., 5 OCAHO no. 815, 711, 714 (1995)); *see also* Talebinejad v. Mass. Inst. Tech., 17 OCAHO no. 1464, 2 (2022) (citing Tingling v. City of Richmond, 13 OCAHO no. 1324c, 2 (2021)).

Here, Respondent asks for an extension of time to file an answer because of a serious recent health issues faced by Respondent’s counsel. A recent health emergency constitutes good cause for an extension of time to file an answer, particularly given that Respondent’s counsel is the only attorney currently employed by Respondent. *See, e.g.*, United States v. Black Belt Sec. Servs., 17 OCAHO no. 1456b, 2 (2023). Additionally, the motion is not opposed.

The Court therefore GRANTS Respondent’s motion for an extension of time to file an answer. Respondent may file its answer no later than 30 days from the issuance of this Order.

SO ORDERED

Dated and entered on March 7, 2024.

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Honorable John A. Henderson  
Administrative Law Judge