

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

United States of America, Complainant v. Big Bear Market,
Respondent; 8 U.S.C. 1324a Proceeding; Case No. 88100038.

**AFFIRMATION BY THE CHIEF ADMINISTRATIVE HEARING OFFICER OF THE
ADMINISTRATIVE LAW JUDGE'S ORDER**

On March 30, 1989, the Honorable Marvin H. Morse, the Administrative Law Judge assigned to this case, issued an order regarding the above-styled proceeding, entitled ``Decision and Order.'' On April 12, 1989, the Administrative Law Judge issued a Supplemental Decision and Order which deemed the initial order of March 30, 1989 to have been entered on April 12, 1989 because of mismailing to the Respondent. Pursuant to Title 8, United States Code, Section 1324a(e)(6) and Section 68.52 of the applicable rules of practice and procedure, appearing at 52 Fed. Reg. 44972-85 (1987) [hereinafter Rules] (to be codified at 28 C.F.R. Part 68), the Chief Administrative Hearing Officer, upon review of the Administrative Law Judge's Order, and in accordance with Section 68.52 of the Rules, supra, affirms the Administrative Law Judge's Order with the following clarification.

In regard to the notice issue addressed by the Administrative Law Judge (Decision and Order at 8), an amendment to Title 8, Code of Federal Regulations, Section 274a.2(b)(2)(ii) was published in the Federal Register on March 16, 1988. That section now reads:

Any person or entity required to retain Forms I-9 in accordance with this section shall be provided with at least three days notice prior to an inspection of the Forms by an authorized Department of Labor or Service officer. At the time of inspection, the Forms I-9 must be made available in their original form or on microfilm or microfiche at the location where the request for production was made. If the Forms I-9 are kept at another location the person or entity must inform the Department of Labor or Service officer of the location where the forms are kept and make arrangement for the inspection. Inspections may be performed at an INS office.

(Emphasis added.) Section 274a.2 [Amended], 53 Fed. Reg. 8613 (1988) (to be codified at 8 C.F.R. 274a.2(b)(2)(ii))

This affirmation hereby closes the file and disposes of all proceedings. Any person or entity seeking judicial review may file a petition in the Court of Appeals for the Appropriate circuit. The time period for filing expires forty-five (45) days from the date of the Administrative Law Judge's Final Order.

SO ORDERED:

Dated: May 5, 1989.

RONALD J. VINCOLI
Acting Chief Administrative Hearing Officer