

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

February 28, 2024

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
)	8 U.S.C. § 1324a Proceeding
v.)	OCAHO Case No. 2024A00028
)	
)	
BRULOTTE FARMS, INC.,)	
Respondent.)	
_____)	

Appearances: Andrew B. Kartchner, Esq., for Complainant
Diane M. Butler, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION TO FILE ANSWER

This case arises under the employer sanctions provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a.

On December 27, 2023, 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 Respondent violated 8 U.S.C. § 1324a(a)(1)(B).

On January 11, 2024, the Chief Administrative Hearing Officer sent Respondent business and separately respondent counsel a Notice of Case Assignment Regarding Unfair Immigration-Related Employment Practices (NOCA) and a copy of the Complaint by U.S. certified mail.

On January 16, 2024, Respondent business received the NOCA. Two days later, Respondent counsel received the NOCA. The Answer deadline is calculated based on the date the NOCA is received by either Respondent or Respondent counsel, making Respondent’s answer due no later than February 15, 2024.¹ See *United States v. TX Pollo Feliz*, 18 OCAHO no. 1503, 3² (“[S]ervice

¹ See 28 C.F.R. § 68.3(b) (“Service of complaint and notice of hearing is complete upon receipt by addressee.”); 28 C.F.R. § 68.9(a) (“Within thirty (30) days after the service of a complaint, each respondent shall file an answer.”). For clarity, the answer deadline is calculated from the date of service (on Respondent) of the complaint and NOCA (not receipt of a complaint by the Court).

² 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

on the actual Respondent started the clock because [28 C.F.R. § 68.9(a)] contemplates the prospect of service on either a party or their representative.”).

On February 21, 2024, Respondent filed its Notice of Appearance, Motion for Extension of Time to Answer. As proffered good cause to justify a short extension, Respondent’s counsel notes the short amount of time it had to otherwise prepare and file an answer and the complexity of the case.

“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) (citations omitted).

Here, Respondent’s counsel’s proffer constitutes good cause for the relatively short extension of time requested. The Court considered the counsel’s desire to participate in these proceedings, the lack of prejudice to Complainant to provide a short extension, and the benefit to the record and proceedings gained by Respondent’s opportunity to file a meaningful answer.

Respondent’s motion is GRANTED, Respondent’s Answer is due by March 1, 2024.

SO ORDERED.

Dated and entered on February 28, 2024.

Honorable Andrea R. Carroll-Tipton
Administrative Law Judge

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 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 “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.