

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

US TECH WORKERS ET AL.,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2024B00041
)	
CALAMOS INVESTMENTS)	
Respondent.)	
)	

Appearances: John M. Miano, JD, for Complainant¹
Eric S. Bord, Esq. and Eric L. Mackie, Esq., for Respondent

ORDER GRANTING MOTION FOR EXTENSION OF TIME

This case arises under the antidiscrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. Complainant, US Tech Workers, filed a Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on February 9, 2024, alleging that Respondent, Calamos Investments, discriminated against it on the basis of citizenship status in violation of 8 U.S.C. 1324b(a)(1).

On February 21, 2024, the Chief Administrative Hearing Officer sent by certified U.S. mail a copy of the Complaint and a Notice of Case Assignment for Complaint Alleging Unfair Immigration-Related Employment Practices (NOCA) to the address for Respondent identified on the complaint. The United States Postal Service website’s tracking information indicates that the complaint and NOCA were delivered to an individual at Respondent’s address on February 27, 2024. Therefore, Respondent’s answer is due no later than March 28, 2024. *See* 28 C.F.R. §§ 68.3(b), 68.9(a).²

On March 25, 2024, Respondent filed a Notice of Appearance for two attorneys, and Respondent’s First Unopposed Motion for Extension of Time. In its Motion for Extension of Time, Respondent writes that counsel was recently retained and are “investigating the allegations

¹ The Complaint lists John M. Miano, JD as the “attorney or authorized representative” for Complainant. To the extent that Mr. Miano is an attorney seeking to represent the Complainant in this matter, he must file a notice of appearance in compliance with the requirements of 28 C.F.R. § 68.33(f).

² OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

in the complaint.” Mot. Extension 2. Respondent also indicates that that it may file a responsive motion. Id. Respondent asks for a 30-day extension to “allow Calamos sufficient time to fully evaluate the complaint and prepare an appropriate responsive pleading.” Id. Respondent states that it consulted with Complainant about the extension request and that Complainant did not object. Id.

“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))³; *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)).

This Court has previously found good cause for extension of the answer deadline where counsel was recently retained. *See e.g.* Ackermann v. Mindlance, Inc., 17 OCAHO no. 1462, 1-2 (2022); Lowden, Jr., v. Ann Arbor Elec. JATC Training Ctr., 18 OCAHO no. 1490, 2 (2023). Additionally, Respondent has indicated that Complainant was informed of and consented to the extension request. Given the short length of the extension, the fact that the case is in its early stages, and the fact that the motion is seemingly unopposed, the Court finds that Respondent has shown good cause for an extension of the answer deadline.

The Court GRANTS Respondent’s motion for extension of time to file the answer. Respondent’s answer is due no later than April 29, 2024.

SO ORDERED

Dated and entered March 27, 2024

John A. Henderson
Administrative Law Judge

³ 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>.