

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

November 21, 2022

UNITED STATES OF AMERICA,)	
Complainant,)	
)	
v.)	8 U.S.C. § 1324b Proceeding
)	OCAHO Case No. 2022A00058
)	
ROYAL OAK BREWING, CO.)	
Respondent.)	
_____)	

ORDER TO SHOW CAUSE

This case arises under the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324a. Complainant, the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), filed a complaint with the Office of the Chief Administrative Hearing Officer on September 23, 2022. Complainant alleges that Respondent, Royal Oak Brewing Co., failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for seven individuals and failed to ensure that fifty-eight individuals properly completed Section 1 of the Form I-9 and/or failed to properly complete Section 2 or 3 of the Form I-9, in violation of § 1324a(a)(1)(B).

This office sent Respondent a Notice of Case Assignment for Complaint Alleging Unlawful Employment (NOCA), a copy of the complaint, the Notice of Intent to Fine, and Respondent’s request for a hearing on September 26, 2022, via U.S. certified mail. The NOCA directed that an answer was to be filed within thirty (30) 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.¹

The U.S. Postal Service indicates service of the NOCA on Respondent on September 30, 2022, making an answer due no later than October 30, 2022. *See* §§ 68.3(a), 68.9(a). Respondent has not filed an answer.

The OCAHO Rules state that “[f]ailure of the respondent 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.” § 68.9(b); *see*

¹ OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2022).

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). In addition, a request for a hearing may be dismissed upon its abandonment by the party who filed it, and a party shall be deemed to have abandoned such a request where the party or its representative fails to respond to orders issued by the Administrative Law Judge. 28 C.F.R. § 68.37(b)(1); *United States v. Louie's Wine Dive LLC*, 15 OCAHO no. 1404, 2 (2021); *Hosung Cleaning Corp.*, 4 OCAHO no. 681, 776, 777-78 (1994).

The Court therefore ORDERS Respondent, Royal Oak Brewing Co., to file an answer that comports with 28 C.F.R. § 68.9(c), within twenty-one (21) days of the date of this Order to Show Cause. An answer includes “[a] statement that the respondent admits, denies, or does not have and is unable to obtain 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, Royal Oak Brewing Co., to explain why it did not timely file an answer within twenty-one (21) days of the date of this Order to Show Cause.

Should Respondent not file an answer and show good cause for its failure to timely file an answer, the Court may enter a default judgment against Respondent, pursuant to 28 C.F.R. § 68.9(b), or deem the request for a hearing abandoned. 28 C.F.R. § 68.37(b)(1).

SO ORDERED.

Dated and entered on November 21, 2022.

Honorable Jean C. King
Chief Administrative Law Judge