

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 41  
NUMBER 11  
NOVEMBER 28, 2019**

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# COMMONWEALTH REGISTER

VOLUME 41  
NUMBER 11  
NOVEMBER 28, 2019

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# COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT

P.O. Box 501055, Saipan, MP 96950-1055

Phone: (670) 237-6500/1 Fax: (670) 234-5962

E-mail Address: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com)

Website: [www.cpa.gov.mp](http://www.cpa.gov.mp)



## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS FOR THE COMMONWEALTH PORTS AUTHORITY (CPA)

### PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED RULES AND REGULATIONS

Volume 41, Number 07, pp 042690–712, of July 28, 2019

### Amendments and additions to the Commonwealth Ports Authority Personnel Rules and Regulations

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT amendments to NMIAC §§ 40-40-115(a), 120(f), 320, 415(c)–(d) and the additions of NMIAC §§ 40-40-115(c), 120(f)(6), 145, 325, 330, 335, 340, 345, and 1001 to the Personnel Rules and Regulations of the Commonwealth Ports Authority, which was published in the Commonwealth Register pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification.

**PRIOR PUBLICATION:** These regulations were published as Proposed Regulations in Volume 41, Number 07, pp 042690–712 of the Commonwealth Register.

**AUTHORITY:** The authority for promulgation of regulations for CPA is set forth in 2 CMC § 2122.

**EFFECTIVE DATE:** These amendments and additions to the Commonwealth Ports Authority Personnel Rules and Regulations will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

**COMMENTS AND AGENCY CONCISE STATEMENT:** During the 30-day comment period, the Authority received no comments regarding the proposed regulations. No individual requested the Authority issue a concise statement of the principal reasons for or against the adoption of the proposed amendments.

At a Personnel Affairs Committee meeting held on October 31, 2019, the Committee agreed to recommend to the Board of Directors that the proposed regulations be adopted without further revisions. The Board of Directors adopted the proposed regulations as final at the November 8, 2019, Board of Directors meeting.

**TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** The proposed regulations amend NMIAC §§ 40-40-115(a), 120(f), 320, 415(c)–(d), and add NMIAC §§ 40-40-115(c), 120(f)(6), 145, 325, 330, 335, 340, 345, and 1001 to the Personnel Rules and Regulations of the Commonwealth Ports Authority. Section 115 is amended to clarify that drug tests for candidates and employee shall be conducted in accordance with Part 500 of these regulations. Section 115(c) is added to clarify that physical and medical examinations shall be administered by a licensed physician, recorded on forms provided by the Human Resource Manager, and that such examinations will be paid for by the Commonwealth Ports Authority. Section 120(f)(6) was added to allow CPA to place ARFF firefighters that are expected to engage in interior structural firefighting and that fail the Firefighter Fitness Test and the

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Rota West Harbor

P.O. Box 561, Rota, MP 96951

TINIAN INTERNATIONAL AIRPORT

Port of Tinian

P.O. Box 235, Tinian, MP 96952

subsequent retake of that test on leave without pay status. Section 145 is added to authorize the Executive Director to terminate employees that contract an infectious or contagious disease that may endanger the health of others, become mentally incapacitated, or is otherwise physically unable to satisfactorily perform the duties of the position to which the employee is assigned. Section 320 is amended to remove subsections (e)(3) and (4), to clarify subsection (e)(7), and for renumbering. Section 325 is added to establish CPA's disability and reasonable accommodations as a separate regulation. Section 330 is added to establish CPA's open-door policy as a separate regulation. Section 335 is added to establish CPA's prohibition against retaliation as a separate regulation. Section 340 is added to establish the reporting procedure for employees that experience discrimination or sexual harassment as a separate regulation. Section 340(c)(1) is added to state CPA's confidentiality policy. Section 340(c)(4) is added to state that applicants or employees have the right to file a formal complaint of illegal discrimination or harassment with applicable local or federal regulatory agencies or to request outside mediation as an alternative means of dispute resolution. Section 340(c)(5) states that if the complaint cannot be resolved through other efforts, it shall be mandatorily submitted to binding arbitration. Section 345 is added to establish CPA's policy prohibiting workplace bullying policy. Section 415(c) is amended to state that current employees with sick leave exceeding the 1,040-hour threshold will no longer accrue sick leave until such time that their sick leave hours are reduced to 1,040 hours or below. Section 415(d)(2) is added to state that accrued but unused sick leave will not prevent a termination for medical reasons and that employees are not entitled to exhaust accrued and unused sick leave. Section 1001 makes the CNMI Personnel Service System Rules and Regulations applicable to CPA whenever the CNMI Personnel Service System Rules and Regulations address a personnel matter or issue that CPA's personnel rules and regulations do not address.

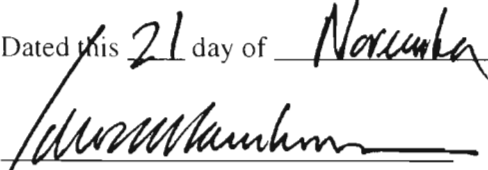
I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of November, 2019, at Rota, Commonwealth of the Northern Mariana Islands.

Submitted by:   
CHRISTOPHER S. TENORIO  
Executive Director

Date: 11/20/19

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified final regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f).

Dated this 21 day of November, 2019.

  
EDWARD MANIBUSAN  
Attorney General

Filed and Recorded by:   
ESTHER S. NESBITT,  
Commonwealth Registrar

Date: 11/21/2019



# COMMONWEALTH PORTS AUTHORITY

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## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS FOR THE COMMONWEALTH PORTS AUTHORITY (CPA)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED RULES  
AND REGULATIONS

Volume 41, Number 09, pp 042811–19, of September 28, 2019

### Amendments and additions to the Commonwealth Ports Authority Terminal Tariff Rules and Regulations

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT the amendment to NMIAC § 40-20.2-115 and the addition of Part 700 of the NMIAC § 40-20.2, which includes NMIAC §§ 40-20.2-701, 705, 710, 715, 720, and 725. The amendment and additions to regulations within § 40-20.2 were published in the Commonwealth Register pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification.

**PRIOR PUBLICATION:** These regulations were published as Proposed Regulations in Volume 41, Number 09, pp 042811–19 of the Commonwealth Register.

**AUTHORITY:** The authority for promulgation of regulations for CPA is set forth in 2 CMC § 2122.

**EFFECTIVE DATE:** These amendments and additions to the Commonwealth Ports Authority Terminal Tariff Rules and Regulations will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

**COMMENTS AND AGENCY CONCISE STATEMENT:** During the 30-day comment period, the Authority received no comments regarding the proposed regulations. No individual requested the Authority issue a concise statement of the principal reasons for or against the adoption of the proposed amendments.

The Board of Directors adopted the proposed regulations as final at the November 8, 2019, Board of Directors meeting.

**TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** These adopted regulations amend NMIAC § 40-20.2-115 and add NMIAC §§ 40-20.2-701–725. Section 115 is amended to allow CPA to issue invoices of three dollars or more. Part 700 is added to provide the rates and charges that apply to traffic entering a “marina or small boat harbor.” Part 700 will apply to any CPA-controlled “marinas or small boat harbors” as designated by CPA’s Executive Director. Part 700 provides adjusted wharfage rates, port entry fees, dockage rates, and home port fees for vessels using CPA-controlled marinas or small boat harbors. These amendments are being adopted because the current regulations regarding wharfage rates, port entry fees, dockage rates, and home port fees were seemingly promulgated without consideration of the size and weight of vessels that may use CPA-controlled marinas or small boat harbors. These regulations are to be read in conjunction with NMIAC §§ 40-20.2-001–601,

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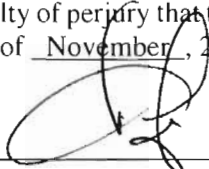
TINIAN INTERNATIONAL AIRPORT

Port of Tinian

P.O. Box 235, Tinian, MP 96952

which will continue to apply to vessels using CPA-designated marinas or small harbors, meaning the substantive provisions of §§ 40-20.2-001-601 are applicable to vessels utilizing CPA-controlled marinas or small boat harbors unless such provisions are addressed within these adopted regulations.


I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 8th day of November, 2019, at Rota, Commonwealth of the Northern Mariana Islands.


Submitted by:   
CHRISTOPHER S. TENORIO  
Executive Director

Date: 11/20/19

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified final regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f).

Dated this 21 day of November, 2019.

  
EDWARD MANIBUSAN  
Attorney General

Filed and Recorded by:   
ESTHER SN. NESBITT,  
Commonwealth Registrar

Date: 11.21.2019



# Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands

1 Lower Navy Hill Road Navy Hill, Saipan, MP 96950



## **PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE CHCC CHARGEMASTER FOR INTERVENTIONAL RADIOLOGY FEES**

**INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS:** The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the attached additional Chargemaster pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The additional Chargemaster will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** The Board of Trustees may prepare and adopt rules and regulations to assure delivery of quality health care and medical services and the financial viability of the Corporation that will best promote and serve its purposes. 3 CMC Section 2826(c).

**THE TERMS AND SUBSTANCE:** There are new fees for services because CHCC is taking over the billing for interventional radiology services that are provided by a third party contractor on the premises of CHCC.

**THE SUBJECTS AND ISSUES INVOLVED:** New interventional radiology fees.

**DIRECTIONS FOR FILING AND PUBLICATION:** This Notice of Proposed Amendments to the Chargemaster shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular and will be codified at NMIAC Sections 140-10.8-101. (1 CMC § 9104(a)(1)) Copies are available upon request from Tiffany Sablan, Director of Revenue.

**TO PROVIDE COMMENTS:** Send or deliver your comments to Tiffany Sablan, Director of Revenue, [tiffany.sablan@dph.gov.mp](mailto:tiffany.sablan@dph.gov.mp), *Attn: Amendments to the Chargemaster, Interventional Radiology Fees* at the above address, fax or email address, with the subject line "Amendments to the Chargemaster, Interventional Radiology Fees." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

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P.O. Box 500409 CK, Saipan, MP 96950  
Telephone: (670) 234-8950 FAX: (670) 236-8930

432 OFFICE OF THE  
ATTORNEY GENERAL  
CIVIL DIVISION  
2019 NOV 20 PM 1:53

These proposed amendments to the Chargemaster, Interventional Radiology Fees were approved by the CHCC Board of Trustees and the CHCC CEO.

Submitted by:

  
ESTHER MUNA, CEO

11/21/19  
Date

  
LAURI OGUMORO, BOARD CHAIR

11/20/19  
Date

Filed and  
Recorded by:

  
ESTHER SN. NESBITT  
Commonwealth Registrar

011/21/2019  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 21 day of Nov, 2019.

  
EDWARD E. MANIBUSAN  
Attorney General

Commonwealth Healthcare Corporation  
Commonwealth gi Sangkattan na Islas Marianås Siha  
1 Lower Navy Hill Road, Saipan, MP 96950

NUTISIAN PUPBLIKU NU I MANMAPROPONI NA TINULAIKA NU TODU CHCC  
CHARGEMASTER YAN NUEBU NA ÂPAS NU YAN  
ABANDONA YAN TINULAIKA NU TODU NMIAC SUBCHAPTER 140-10.8,  
PRUGRÂMAN MEDIKÂT YAN OTTRU SIHA NA KLÂSEN ÂPAS

AKSION NI MA INTENSIONA PARA U MA ADÂPTA ESTE SIHA I MANMAPROPONI NI MARIBISA SIHA PARA I AREKLAMENTU YAN REGULASION SIHA: I Commonwealth Healthcare Corporation (CHCC) ma intensiona para u ma adâpta kumu petmanienti i mañechettun siha nuebu na Chargemaster Âpas siha, kumu para i procedures nu i Âktun Administrative Procedure, 1 CMC 9104(a). I tinulaikan todû i Chargemaster yan i nuebu na Âpas BEH siha siempre ifektibu dies (10) dihas dispues di adâptasion yan publikasion giya i Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÂT: I inetnon i trustees siha siña ma pripâra yan ma adâpta areklamentu yan regulasion siha para u mana siguru i linakngus nu i kuâlidat na health care yan setbision Medikât siha yan i financial viability nu i Corporation ya siempre u ma hâtsa yan sietbe i intension siha. 3 CMC Seksiona 2826 (c).

I TEMA YAN SUSTÂNSIA I PALÂBRA SIHA: I nuebu na CHCC Chargemaster esta ma kumpli i tinulaika yan nuebu. I prisenti NMIAC Subchapter 140-10.8, Prugrâman i Medikât yan ottru siha na klâsen âpas siempre man ma abandona yan ma tulaika todû. Pâtti sientu siempre para i nuebu na Chargemaster.

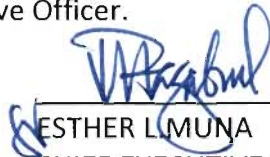
I SUHETU YAN MANERA NI SUMÂSAONAO SIHA: Todû i âpas CHCC siha man inafekta ginen esti i ma abandona yan tinulaika. Pot fâbot attan i nuebu na CHCC Chargemaster.

DIREKSION PARA U MA POLU YAN MA PUPBLIKA: Este na nutisia nu i man ma abandona yan tinulaika ni manmaproponi pot i Regulasion siha debi na u ma publika gi hâlum i Rehistran Commonwealth gi hâlum seksiona gi hilu' i manmaproponi yan nuebu na man ma adâpta na regulasion siha (1 CMC §9102(a)(1)) yan u mapega gi hâlum man kumbieni na lugât siha giya i civic center yan gi hâlum Ufisinan gubietnu gi kada distritun senatorial parehu yan gi linguâhi natibu. (1 CMC §9104 (a)(1)) Mana guahayi kopia siha yanggin man gâgao ginen as Tiffany Sablan, Direktot nu i Revenue.

PARA U MAPRIBENIYI UPIÑON SIHA: Na hâlom pat na hânao i upiñon mu guatu as Tiffany Sablan, Direktot i Revenue, [tiffany.sablan@dph.gov.mp](mailto:tiffany.sablan@dph.gov.mp), Atension: Nuebu na âpas Chargemaster guâtu gi sanhilu na address, fax pat email address, yan i râyan suhetu "Nuebu na Âpas Chargemaster." I upiñon man ma ekspekta gi hâlum trenta (30) dihas ni tinatiyi gi fetcha nu i publikasion ni este na nutisia. Pot fabot na hâlom i infotmasion, upiñon pat âgumientu siha. (1 CMC § 9104(a)(2)).

Esti i manmaproponi i abandona yan tinulaika ma aprueba ginen i CHCC Board of Trustees yan i CHCC Chief Executive Officer.

Nina hălum as:

  
ESTHER L. MUNA  
CHIEF EXECUTIVE OFFICER

11/21/19  
Fetcha

  
LAURI OGUMORO  
BOARD CHAIR

11/20/19  
Fetcha

Pine'lo yan Ninota as:

  
ESTHER S. NESBITT  
Registrar Commonwealth

11/21/2019  
Fetcha

Sigun i 1 CMC § 2153 § (Inapruuban regulasion siha ni Abugădu Hinerăt na para u macho'gui kumu fotma) yan 1 CMC § 9104(a)(3) (hinentan inaprueba kumu fotma yan sufisienti ligăt ginen i CNMI Abugădu Hinerăt yan debi na u ma pupblika, 1 CMC § 2153(f)(pupplikasion areklamentu yan regulasion siha).

Mafetch gi 21 diha Nov, 2019.

  
EDWARD E. MANIBUSAN  
Abugădu Hinerăt

ARONGORONGOL TOULAP REEL POMMWOL  
SIIWEL NGÁLI ALONGAL AAR CHCC CHARGEMASTER FEES

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL SIIWEL KAL NGÁLI ALLÉGH ME MWÓGHUT: Commonwealth Healthcare Corporation (CHCC) re mángemángil rebwe adóptááli bwe ebwe lléghló fféerúl mille e appasch bwe ffél Listal Alillis ikka re ayoorai ngáliir Toulap ngáre Chargemaster Fees, sáangi mwóghutughutúl Administrative Procedures Act, 1 CMC § 9104(a). Siiwel ngáli alongal Chargemaster ebwe bwunguló seigh ráál mwiril aar adóptááli me akkatééwowul me llól Commonwealth register. (1 CMC § 9105(b))

BWÁNGIL: Eyoor bwángil Board-il Trustees reel rebwe ammwela me adóptááli allégh me mwóghutughut bwe ebwe alúghúw ghatchúl health care me alillisil medical me financial viability reel Corporation bwe ebwe ghatch me fféerú mwóghutughutúl. 3 CMC Tálil 2826(c).

KKAPASAL ME AWEEWEL: Ra takkal siiweli me fféerú sefááliy ffél CHCC Chargemaster. Mille e lo bwe NMIAC Subchapter 140-10.8, Schedule reel Medical me Ákkááw Óbwóss ikka e bwal Schuu rebwe lighitaaló me siiweli óutol. Part 100 ebwe le lo bwe ffél Chargemaster.

KKAPASAL ME ÓUTOL: Alongal óbwóssul CHCC e siiweli mereel mille re bwughi sefááliy me siiwelil. Amwuri Ffél CHCC Chargemaster iye e appasch.

AMMWELIL REEL AKKATÉÉWOWUL ME ARONGOWOWUL: Arongorongol Pommwol mille re Bwughi SefáAliy me Liiweli reel Mwóghutughut ebwe akkatééwow me llól Commonwealth Register llól tálil ffél me Pommwol mwóghutughut ikka ra adóptáánil (1 CMC § 9102(a)(1)) me appaschetá llól civic center me bwal llól Bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwáliyaasch y will be codified at NMIAC Sections 140-10.8-101. (1 CMC § 9104(a)(1)) Emmwelil ubwe bweibwogh pappidil yeel tingór ngáli Tiffany Sablan, Direkktoodil Revenue.

REEL ISIISILONGOL KKPAS: Afanga ngáre bwughiló yóómw ischil kkapas ngáli Tiffany Sablan, Direkktoodil Revenue, [tiffany.sablan@dph.gov.mp](mailto:tiffany.sablan@dph.gov.mp), Attn: *New Chargemaster Fees* reel féléfél iye e lo weiláng, fax ngáre email address, ebwe lo wóól subject line bwe “New Chargemaster Fess.” Ischil kkapas ebwe toolong llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngáre angiingi. (1 CMC § 9104(a)(2)).

P.O. Box 500409 CK, Saipan, MP 96950  
Til: (670) 236-8201/2 FAX: (670) 233-8756

Pommwol milikka re bwughi sefááliy me siiweli aa átirow sáangi CHCC Board-il trustees me CHCC Chief Executive Officer.

Isáliyalong:

  
ESTHER MUNA  
Chief Executive Officer


11/20/19

Ráál

  
LAURI OGUMORO, BOARD CHAIR

11/20/19  
Ráál

Ammwelil:

  
ESTHER SN. NESBITT  
Commonwealth Registrar

11/21/2019  
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut kkal bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel Pommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughut).

Aghikkilátiw wóól 21 ráálil Nov, 2019.



EDWARD E. MANIBUSAN  
Soulemelemil Allégh Lapalap

## Fee Schedule Edits - October 2019

\*\*Please note that the charges have been added or corrected to reflect the following: 3X MCR PFS Rate, 2X APC Rate, 2X Anesthesia, or 3X LFS Rate\*\*

CPT	MOD	Description	Price	Reason for change
		RESTOCKING FEE	\$ 10.00	New
00120		ANESTH EAR SURGERY	\$ 222.80	New
00160		ANESTH NOSE/SINUS SURGERY	\$ 222.80	New
00211		ANESTH CRAN SURG HEMOTOMA	\$ 445.60	New
10030	26	GUIDE CATHET FLUID DRAINAGE	\$ 434.40	New
11104	26	PUNCH BX SKIN SINGLE LESION	\$ 157.84	New
11105	26	PUNCH BX SKIN EA SEP/ADDL	\$ 86.14	New
11106	26	INCISIONAL BIOPSY SKIN SINGLE LESION	\$ 191.70	New
11107	26	INCISIONAL BIOPSY SKIN EA SEP/ADDITIONAL LESION	\$ 102.74	New
20606	26	DRAIN/INJ INTER JOINT/BURSA W/US	\$ 166.99	Correction
33216	26	INSERT 1 ELECTRODE PM-DEFIB	\$ 1,167.79	New
36901	TC	INTRO CATH DIALYSIS CIRCUIT	\$ 899.00	New
36901	26	INTRO CATH DIALYSIS CIRCUIT	\$ 524.94	New
36901		INTRO CATH DIALYSIS CIRCUIT	\$ 1,423.94	New
37191	26	INS ENDOVAS VENA CAVA FILTR	\$ 699.70	New
50020	26	RENAL ABSCESS OPEN DRAIN	\$ 3,231.86	New
58571	TC	TLH W/T/O 250 G OR LESS	\$ 15,483.26	New
58571	26	TLH W/T/O 250 G OR LESS	\$ 2,817.42	New
58572	26	TLH UTERUS OVER 250 G	\$ 3,213.64	New
58573	26	TLH W/T/O UTERUS OVER 250 G	\$ 3,805.89	New
58999	26	UNLISTED PX FEMALE GENITAL SYSTEM NONOBSTETRICAL	\$ 4,167.20	New
31231	26	NASAL ENDOSCOPY, DX	\$ 204.00	Correction
31231	26	MIDLEVEL NASAL ENDOSCOPY, DX	\$ 185.45	Correction
35840	26	EXPL POSTOP HEMOR/THROMB/INF; ABDOMEN	\$ 3,696.35	New
70015	TC	CISTERNOGRAPHY	\$ 353.85	New
70030	TC	X-RAY EYE FOR FOREIGN BODY	\$ 76.65	New
70100	TC	X-RAY EXAM OF JAW <4VIEWS	\$ 94.50	New
70120	TC	X-RAY EXAM OF MASTOIDS <3 VIEWS	\$ 100.80	New
70130	TC	X-RAY EXAM OF MASTOIDS	\$ 151.20	New
70134	TC	X-RAY EXAM OF MIDDLE EAR	\$ 143.85	New
70140	TC	X-RAY EXAM OF FACIAL BONES <3 VIEWS	\$ 76.65	New
70150	TC	X-RAY EXAM OF FACIAL BONES 3+ VIEWS	\$ 112.35	New
70160	26	X-RAY EXAM OF NASAL BONES	\$ 31.50	Correction
70160	26	MIDLEVEL X-RAY EXAM OF NASAL BONES	\$ 28.65	Correction
70170	TC	X-RAY EXAM OF TEAR DUCT	\$ 95.00	New
70170		X-RAY EXAM OF TEAR DUCT	\$ 149.60	Correction
70190	TC	X-RAY EXAM OF EYE SOCKETS	\$ 94.50	New
70200	TC	X-RAY EXAM OF EYE SOCKETS	\$ 112.35	New
70210	TC	X-RAY EXAM OF SINUSES	\$ 86.10	New
70220	TC	X-RAY EXAM OF SINUSES	\$ 101.85	New
70240	TC	X-RAY EXAM PITUITARY SADDLE	\$ 76.65	New
70260		X-RAY EXAM OF SKULL 4+ VIEWS	\$ 176.40	Correction
70300	TC	X-RAY EXAM OF TEETH	\$ 33.60	New
70310	TC	X-RAY EXAM OF TEETH	\$ 110.25	New

70320	TC	FULL MOUTH X-RAY OF TEETH	\$ 148.05	New
70328	TC	TMJ JOINT - UNILATERAL	\$ 82.95	New
70330	TC	TMJ JOINT - BILATERAL	\$ 136.50	New
70332	TC	TMJ JOINT ARTHROGRAPHY	\$ 182.70	New
70350	TC	X-RAY HEAD FOR ORTHODONTIA	\$ 44.10	New
70355	TC	PANORAMIC X-RAY OF JAWS	\$ 38.85	New
70360		XR NECK SOFT TISSUE	\$ 112.90	Correction
70370	TC	THROAT X-RAY & FLUOROSCOPY	\$ 262.50	New
70371	TC	CINE OR VIDEO SPEECH EVAL	\$ 198.45	New
70380	TC	X-RAY EXAM OF SALIVARY GLAND	\$ 116.55	New
70390	TC	X-RAY EXAM OF SALIVARY DUCT	\$ 311.85	New
70450		CT HEAD/BRAIN W/O DYE	\$ 403.56	Correction
70450	TC	CT HEAD/BRAIN W/O DYE	\$ 253.41	Correction
70460	TC	CT HEAD/BRAIN W/DYE	\$ 369.90	Correction
70460		CT HEAD/BRAIN W/DYE	\$ 569.40	Correction
70470	TC	CT HEAD/BRAIN W/O & W/DYE	\$ 443.01	Correction
70470		CT HEAD/BRAIN W/O & W/DYE	\$ 667.71	Correction
70480	TC	CT ORBIT/EAR/FOSSA W/O DYE	\$ 387.24	Correction
70480		CT ORBIT/EAR/FOSSA W/O DYE	\$ 615.09	Correction
70481	TC	CT ORBIT/EAR/FOSSA W/DYE	\$ 693.27	Correction
70481		CT ORBIT/EAR/FOSSA W/DYE	\$ 937.92	Correction
70482		CT ORBIT/EAR/FOSSA W/O&W/DYE	\$ 948.90	Correction
70482	TC	CT ORBIT/EAR/FOSSA W/O&W/DYE	\$ 692.70	Correction
70487	TC	CT MAXILLOFACIAL W/DYE	\$ 867.30	New
70488		CT MAXILLOFACIAL W/O & W/DYE	\$ 1,324.05	Correction
70491		CT SOFT TISSUE NECK W/DYE	\$ 1,072.05	Correction
71045		X-RAY EXAM CHEST 1 VIEW	\$ 87.15	Correction
71046		X-RAY EXAM CHEST 2 VIEWS	\$ 108.90	Correction
71100		X-RAY EXAM OF RIBS 2 VIEWS UNILAT	\$ 121.80	Correction
71101	TC	X-RAY EXAM OF RIBS/CHEST 3+ VIEWS UNILAT	\$ 97.70	New
71110	TC	X-RAY EXAM RIBS BIL 3 VIEWS	\$ 102.90	New
71130	TC	X-RAY EXAM OF BREASTBONE 3+ VIEWS	\$ 98.70	New
71250		CT THORAX W/O DYE	\$ 856.80	Correction
71260		CT THORAX W/DYE	\$ 1,064.70	Correction
72020	TC	X-RAY EXAM OF SPINE 1 VIEW	\$ 60.90	New
72040		X-RAY EXAM NECK SPINE 2-3 VW	\$ 152.00	Correction
72052	TC	X-RAY EXAM NECK SPINE 6/>VWS	\$ 195.80	New
72070		X-RAY EXAM OF THORACIC SPINE 2 VIEWS	\$ 129.00	Correction
72072	TC	X-RAY EXAM OF THORACIC SPINE 3 VIEWS	\$ 99.75	New
72081	26	X-RAY EXAM ENTIRE SPI 1 VW	\$ 43.11	New
72081	TC	X-RAY EXAM ENTIRE SPI 1 VW	\$ 92.34	New
72081		X-RAY EXAM ENTIRE SPI 1 VW	\$ 135.45	Correction
72082	TC	X-RAY EXAM ENTIRE SPI 2/3 VW AP & LAT	\$ 169.17	New
72082	26	X-RAY EXAM ENTIRE SPI 2/3 VW AP & LAT	\$ 50.97	New
72082		X-RAY EXAM ENTIRE SPI 2/3 VW AP & LAT	\$ 220.17	Correction
72083	TC	X-RAY EXAM ENTIRE SPI 4/5 VW SCOLI ERCT	\$ 202.62	New
72083	26	X-RAY EXAM ENTIRE SPI 4/5 VW SCOLI ERCT	\$ 57.78	New
72083		X-RAY EXAM ENTIRE SPI 4/5 VW SCOLI ERCT	\$ 260.43	Correction
72084	26	X-RAY EXAM ENTIRE SPI 6/> VW	\$ 66.18	Correction

72084		X-RAY EXAM ENTIRE SPI 6/> VW	\$ 303.51	Correction
72100		X-RAY EXAM OF LOWER SPINE 2-3 VIEWS	\$ 142.10	Correction
72110		X-RAY EXAM OF LOWER SPINE 4+ VIEWS	\$ 193.10	Correction
72114	TC	X-RAY EXAM OF L-S SPINE BENDING >=6 VWS	\$ 182.70	New
72120	TC	XRAY EXAM OF LOWER SPINE 2-3 VWS	\$ 120.75	New
72125		CT NECK SPINE W/O DYE	\$ 870.45	Correction
72126	TC	CT NECK SPINE W/DYE	\$ 849.45	New
72129		CT CHEST SPINE W/DYE	\$ 1,064.70	Correction
72130		CT CHEST SPINE W/O & W/DYE	\$ 1,287.30	Correction
72170		X-RAY EXAM OF PELVIS 1-2 VIEWS	\$ 101.80	Correction
72190	TC	X-RAY EXAM OF PELVIS 3+ VIEWS	\$ 115.65	New
72191	TC	CT ANGIOGRAPH PELV W/O&W/DYE	\$ 1,348.20	New
72192		CT PELVIS W/O DYE	\$ 767.91	Correction
72193		CT PELVIS W/DYE	\$ 1,045.05	Correction
72200	TC	X-RAY EXAM SACROILIAC JOINTS <3 VIEWS	\$ 80.85	New
72220		X-RAY EXAM OF TAILBONE 2+ VIEWS	\$ 102.53	Correction
72240	TC	MYELOGRAM CERVICAL	\$ 346.50	New
72255	TC	MYELOGRAM THORACIC	\$ 322.35	New
72270	TC	CONTRAST X-RAY SPINE 2+ REGIONS	\$ 528.15	New
72275	TC	EPIDUROGRAPHY	\$ 298.20	New
72285	TC	DISCOGRAPHY CERV/THOR SPINE	\$ 278.25	New
72295	TC	X-RAY OF LOWER SPINE DISK	\$ 280.35	New
73000		CLAVICLE COMPLETE	\$ 110.80	Correction
73010		SCAPULA COMPLETE	\$ 105.15	Correction
73020		X-RAY EXAM OF SHOULDER	\$ 92.20	Correction
73030		X-RAY EXAM OF SHOULDER 2+ VIEWS	\$ 118.20	Correction
73040	TC	SHOULDER ARTHROGRAM	\$ 303.45	New
73050	TC	ACJ BILATERAL W/WO WEIGHTS	\$ 109.20	New
73060		X-RAY EXAM OF HUMERUS 2+ VIEWS	\$ 111.85	Correction
73070		X-RAY EXAM OF ELBOW 2 VIEWS	\$ 140.80	Correction
73070		X-RAY EXAM OF ELBOW 2 VIEWS	\$ 140.80	Correction
73085	TC	ELBOW ARTHROGRAM	\$ 275.10	New
73090		X-RAY EXAM OF FOREARM 2 VIEWS	\$ 106.45	Correction
73092	TC	X-RAY EXAM OF ARM INFANT 2+ VIEWS	\$ 75.60	New
73100		X-RAY EXAM OF WRIST 2 VIEWS	\$ 122.70	Correction
73110		X-RAY EXAM OF WRIST 3+ VIEWS	\$ 143.75	Correction
73115	TC	WRIST ARTHROGRAM	\$ 319.20	New
73120		X-RAY EXAM OF HAND 2 VIEWS	\$ 105.35	Correction
73130		X-RAY EXAM OF HAND 3+ VIEWS	\$ 121.15	Correction
73140		X-RAY EXAM OF FINGER(S) 2+ VIEWS	\$ 127.50	Correction
73201	TC	CT UPPER EXTREMITY W/DYE	\$ 827.40	New
73206	TC	CT ANGIO UPR EXTRM W/O&W/DYE	\$ 1,159.20	New
73501	TC	X-RAY EXAM HIP UNI 1 VIEW	\$ 73.77	New
73501	26	X-RAY EXAM HIP UNI 1 VIEW	\$ 30.06	New
73501		X-RAY EXAM HIP UNI 1 VIEW	\$ 103.83	Correction
73502	TC	X-RAY EXAM HIP UNI 2-3 VIEWS	\$ 109.71	New
73502	26	X-RAY EXAM HIP UNI 2-3 VIEWS	\$ 35.61	New
73502		X-RAY EXAM HIP UNI 2-3 VIEWS	\$ 145.32	Correction
73503	TC	X-RAY EXAM HIP UNI 4/> VIEWS	\$ 136.95	New

73503	26	X-RAY EXAM HIP UNI 4/> VIEWS	\$ 44.19	New
73503		X-RAY EXAM HIP UNI 4/> VIEWS	\$ 181.14	Correction
73521	TC	X-RAY EXAM HIPS BI 2 VIEWS	\$ 93.60	New
73521	26	X-RAY EXAM HIPS BI 2 VIEWS	\$ 35.61	New
73521		X-RAY EXAM HIPS BI 2 VIEWS	\$ 129.21	Correction
73523	TC	X-RAY EXAM HIPS BI 5/> VIEWS	\$ 146.88	New
73523	26	X-RAY EXAM HIPS BI 5/> VIEWS	\$ 50.97	New
73523		X-RAY EXAM HIPS BI 5/> VIEWS	\$ 197.85	Correction
73525	TC	HIP ARTHROGRAM	\$ 284.55	New
73551	TC	X-RAY EXAM OF THIGH	\$ 68.82	New
73551	26	X-RAY EXAM OF THIGH	\$ 26.64	New
73551		X-RAY EXAM OF THIGH	\$ 95.46	Correction
73552		X-RAY EXAM OF FEMUR 2/>	\$ 112.20	Correction
73560		X-RAY EXAM OF KNEE 1 OR 2	\$ 151.20	Correction
73562	TC	X-RAY EXAM OF KNEE 3	\$ 102.90	New
73565	TC	KNEE; BOTH KNEES STANDING AP	\$ 101.20	New
73580	TC	KNEE ARTHROGRAM	\$ 399.00	New
73590	26	X-RAY EXAM OF LOWER LEG	\$ 25.41	Correction
73590	26	MIDLEVEL X-RAY EXAM OF LOWER LEG	\$ 23.10	Correction
73590		X-RAY EXAM OF LOWER LEG 2 VIEWS	\$ 99.18	Correction
73590	TC	X-RAY EXAM OF LOWER LEG 2 VIEWS	\$ 73.77	Correction
73592	TC	X-RAY EXAM OF LEG INFANT 2 VIEWS	\$ 90.30	New
73600		X-RAY EXAM OF ANKLE 2 VIEWS	\$ 108.50	Correction
73610		X-RAY EXAM OF ANKLE 3+ VIEWS	\$ 128.70	Correction
73615	TC	ANKLE ARTHROGRAM	\$ 310.41	New
73615	26	MIDLEVEL CONTRAST X-RAY OF ANKLE	\$ 83.20	Correction
73615	26	CONTRAST X-RAY OF ANKLE	\$ 91.50	Correction
73615		ANKLE ARTHROGRAM	\$ 401.91	Correction
74018		X-RAY EXAM ABDOMEN 1 VIEW	\$ 92.40	Correction
74019	TC	X-RAY EXAM ABDOMEN 2 VIEWS	\$ 79.95	New
74019	26	X-RAY EXAM ABDOMEN 2 VIEWS	\$ 36.72	New
74019		X-RAY EXAM ABDOMEN 2 VIEWS	\$ 116.67	Correction
74021		X-RAY EXAM ABDOMEN 3+ VIEWS	\$ 149.10	Correction
74160		CT ABDOMEN W/DYE	\$ 1,204.50	Correction
74174		CT ANGIO ABD&PELV W/O&W/DYE	\$ 2,140.60	Correction
74177		CT ABD & PELV W/CONTRAST	\$ 1,300.95	Correction
74210	TC	CONTRST X-RAY EXAM OF THROAT	\$ 229.95	New
74230	TC	CINE/VID X-RAY THROAT/ESOPH	\$ 350.07	New
74230		CINE/VID X-RAY THROAT/ESOPH	\$ 444.57	Correction
74235		REMOVE ESOPHAGUS OBSTRUCTION	\$ 236.25	Correction
74240	TC	X-RAY UPPER GI DELAY W/O KUB	\$ 300.30	New
74241	TC	X-RAYUPPER GI DELAY W/KUB	\$ 323.40	New
74245	TC	X-RAY UPPER GI&SMALL INTEST	\$ 500.85	New
74246	TC	CONTRST X-RAY UPPR GI TRACT	\$ 353.85	New
74247		CONTRST X-RAY UPPR GI TRACT	\$ 530.25	Correction
74249	TC	UGI W AIR & BARIUM W SB	\$ 554.40	New
74251	TC	X-RAY EXAM OF SMALL BOWEL	\$ 1,311.45	New
74260	TC	X-RAY EXAM OF SMALL BOWEL	\$ 1,103.55	New
74261	TC	CT COLONOGRAPHY DX	\$ 387.24	New

74261	26	CT COLONOGRAPHY DX	\$ 378.06	New
74261		CT COLONOGRAPHY DX	\$ 765.30	Correction
74262		CT COLONOGRAPHY DX W/DYE	\$ 1,087.14	Correction
74270	TC	CONTRAST X-RAY EXAM OF COLON	\$ 455.70	New
74280	TC	BE COLON W AIR & BARIUM	\$ 627.90	New
74283	TC	THER NMA RDCTJ INTUS/OBSTRCTJ	\$ 454.14	New
74283		THER NMA RDCTJ INTUS/OBSTRCTJ	\$ 805.89	Correction
74290	TC	CONTRAST X-RAY GALLBLADDER	\$ 202.65	New
74328		X-RAY BILE DUCT ENDOSCOPY	\$ 129.15	Correction
74329		X-RAY FOR PANCREAS ENDOSCOPY	\$ 129.15	Correction
74330		X-RAY BILE/PANC ENDOSCOPY	\$ 164.85	Correction
74340	26	MIDLEVEL X-RAY GUIDE FOR GI TUBE	\$ 96.60	Correction
74355		X-RAY GUIDE INTESTINAL TUBE	\$ 142.80	Correction
74360		X-RAY GUIDE GI DILATION	\$ 105.00	Correction
74363		X-RAY BILE DUCT DILATION	\$ 159.60	Correction
74400	TC	CONTRST X-RAY, URINARY TRACT	\$ 330.75	New
74410	TC	INFUSION IVP	\$ 333.90	New
74415	TC	IVP W TOMOGRAPHY	\$ 423.15	New
74420	TC	RETROGRADE PYELOGRAM	\$ 159.27	New
74420	26	CONTRST X-RAY, URINARY TRACT	\$ 81.15	Correction
74420	26	MIDLEVEL CONTRST X-RAY, URINARY TRACT	\$ 73.78	Correction
74420		RETROGRADE PYELOGRAM	\$ 240.42	Correction
74425		CONTRST X-RAY URINARY TRACT	\$ 64.05	Correction
74430	TC	CONTRAST X-RAY BLADDER 3+ VIEWS	\$ 131.25	New
74440	TC	X-RAY MALE GENITAL TRACT	\$ 239.40	New
74445		X-RAY EXAM OF PENIS	\$ 208.95	Correction
74450	26	MIDLEVEL X-RAY, URETHRA/BLADDER RETROGRADE	\$ 93.45	Correction
74455	TC	X-RAY, URETHRA/BLADDER VOIDING	\$ 269.85	New
74470		X-RAY EXAM OF KIDNEY LESION	\$ 96.60	Correction
74485	TC	X-RAY GUIDE GU DILATION	\$ 294.00	New
74710	TC	PELVIMETRY W/WO PLACENTAL LOCALIZATION	\$ 79.80	New
74740	TC	X-RAY FEMALE GENITAL TRACT	\$ 226.80	New
74742		X-RAY FALLOPIAN TUBE	\$ 111.30	Correction
74775		X-RAY EXAM OF PERINEUM	\$ 111.30	Correction
75600	TC	THORACIC AORTOGRAM WO SERIALOGRAPHY	\$ 803.25	New
75605	TC	MIDLEVEL CONTRAST X-RAY EXAM OF AORTA	\$ 272.01	New
75605		THORACIC AORTOGRAM W SERIALOGRAPHY	\$ 475.71	Correction
75625	TC	ABDOMINAL AORTOGRAM	\$ 480.90	New
75630	TC	ABD AORTOGRAM W BILATERAL RUNOFF	\$ 486.15	New
75635	TC	CT ANGIO ABDOMINAL ARTERIES	\$ 1,401.75	New
75705	TC	ARTERY X-RAYS SPINE	\$ 597.45	New
75710	TC	EXTREMITY ANGIO - UNIL	\$ 558.60	New
75716	TC	EXTREMITY ANGIO - BILAT	\$ 659.40	New
75726	TC	ARTERY X-RAYS ABDOMEN	\$ 553.35	New
75731	TC	ADRENAL ANGIOGR - UNIL	\$ 526.05	New
75733	TC	ADRENAL ANGIOGR - BILAT	\$ 640.50	New
75736	TC	PELVIC ANGIOGRAM	\$ 544.95	New
75741	TC	PULMONARY UNILATSELECTIVE ANGIO	\$ 469.35	New
75743	TC	PULMONARY BILAT SELECTIVE ANGIOGR	\$ 504.00	New

75746	TC	PULMONARY NONSELECTIVE ANGIO	\$ 409.62	New
75756	TC	INTERNAL MAMMARY ANGIO	\$ 616.35	New
75774	TC	ARTERY X-RAY EACH VESSEL	\$ 416.85	New
75801	26	MIDLEVEL LYMPH VESSEL X-RAY, ARM/LEG	\$ 147.00	Correction
75801		LYMPHANGIO EXTREM ONLY; UNILAT	\$ 161.70	Correction
75803		LYMPHANGIOGRAM EXTREMITY; BILAT	\$ 213.15	Correction
75805		LYMPHANGIOGRAM PELVIC/ABD; UNILAT	\$ 147.00	Correction
75807		LYMPHANGIOGRAM PELVIC/ABD; BILAT	\$ 213.15	Correction
75809	TC	NONVASCULAR SHUNT X-RAY	\$ 297.15	New
75810		SPLENOPORTOGRAM	\$ 207.90	Correction
75820	TC	VENOGRAM EXTREMITY; UNILATERAL	\$ 342.29	New
75822	TC	VENOGRAPHY EXTREMITY; BILATERAL	\$ 387.45	New
75825	TC	VENOGRAM IVC W SERIALOGRAPHY	\$ 455.70	New
75827	TC	VENOGRAM SVC W SERIALOGRAPHY	\$ 470.40	New
75831	TC	UNIL SELCTV RENAL VENOGRAM	\$ 470.40	New
75833	TC	BILAT SELCTV RENAL VENOGRAM	\$ 529.20	New
75840	TC	UNIL SELCTV ADRENAL VENOGRAM	\$ 464.10	New
75842	TC	BILAT SELCTV ADRENAL VENOGRAM	\$ 533.40	New
75860	TC	SINUS OR JUGL CATH VENOGRAM	\$ 472.50	New
75870	TC	SUPERIOR SAGITTAL SINUS VENOGRAM	\$ 468.30	New
75872	TC	EPIDURAL VENOGRAM	\$ 303.00	New
75872		EPIDURAL VENOGRAM	\$ 523.50	Correction
75880	TC	ORBITAL VENOGRAM	\$ 363.30	New
75885	TC	PERC TRANSHEP PORTOGRAM W HDM	\$ 467.25	New
75887	TC	PERC TRANSHEP PORTOGRAM WO HDM	\$ 428.10	New
75889	TC	HEPATIC VENOGRAM W HDM	\$ 470.40	New
75891	TC	HEPATIC VENOGRAM WO HDM	\$ 471.45	New
75893	TC	VENOUS SAMPLING BY CATHETER	\$ 468.30	New
75894		X-RAYS TRANSCATH THERAPY	\$ 241.50	Correction
75898		FOLLOW-UP ANGIOGRAPHY	\$ 306.60	Correction
75901	TC	REMOVE CVA DEVICE OBSTRUCT	\$ 554.40	New
75902	TC	REMOVE CVA LUMEN OBSTRUCT	\$ 215.25	New
75956		XRAY ENDOVASC THOR AO REPR	\$ 1,324.05	Correction
75957		XRAY ENDOVASC THOR AO REPR	\$ 1,132.95	Correction
75958		XRAY PLACE PROX EXT THOR AO	\$ 754.95	Correction
75959		XRAY PLACE DIST EXT THOR AO	\$ 660.45	Correction
75970		VASCULAR BIOPSY	\$ 150.15	Correction
75984	TC	XRAY CONTROL CATHETER CHANGE	\$ 186.21	New
75989	TC	ABSCESS DRAINAGE UNDER X-RAY	\$ 273.00	New
76000		FLUOROSCOPY <=1 HR PHYS/QHP	\$ 591.70	Correction
76010		NOSE TO RECTUM FOR FB CHILD	\$ 159.69	Correction
76080	TC	X-RAY EXAM OF FISTULA	\$ 129.15	New
76098	TC	X-RAY EXAM BREAST SPECIMEN	\$ 39.90	New
76100	TC	X-RAY EXAM OF BODY SECTION	\$ 302.40	New
76101	TC	COMPLEX MOTION; UNILATERAL	\$ 484.05	New
76102	TC	COMPLEX MOTION; BILATERAL	\$ 695.10	New
76120	TC	CINE/VIDEO X-RAYS	\$ 290.61	New
76120		CINE/VIDEO X-RAYS	\$ 358.86	Correction
76125	26	CINE/VIDEO X-RAYS ADD-ON	\$ 54.60	Correction

76125	26	MIDLEVEL CINE/VIDEO X-RAYS ADD-ON	\$ 54.60	Correction
76125		CINE/VIDEO X-RAYS ADD-ON	\$ 49.60	Correction
76376	TC	3D RENDER W/INTRP POSTPROCES	\$ 206.85	New
76377	TC	3D RENDER W/INTRP POSTPROCES	\$ 178.50	New
76380	TC	CAT SCAN FOLLOW-UP STUDY	\$ 485.10	New
76506	26	ECHO EXAM OF HEAD	\$ 99.99	Correction
76506	26	MIDLEVEL ECHO EXAM OF HEAD	\$ 90.10	Correction
76506		ECHO EXAM OF HEAD	\$ 632.79	Correction
76510	TC	OPHTH US B & QUANT A	\$ 286.65	New
76511	TC	OPHTH US QUANT A ONLY	\$ 180.60	New
76512	TC	OPHTH US B W/NON-QUANT A	\$ 54.30	New
76513	TC	ECHO EXAM OF EYE WATER BATH	\$ 288.40	New
76514		ECHO EXAM OF EYE THICKNESS	\$ 50.19	New
76514	TC	ECHO EXAM OF EYE THICKNESS	\$ 15.54	Correction
76516	TC	EYE BIOMETRY BY US A-SCAN;	\$ 108.45	New
76516	26	ECHO EXAM OF EYE	\$ 73.68	Correction
76516	26	MIDLEVEL ECHO EXAM OF EYE	\$ 67.00	Correction
76516		EYE BIOMETRY BY US A-SCAN;	\$ 182.13	Correction
76519	TC	A-SCAN EYE US W IOL MEASR	\$ 120.84	New
76519	26	ECHO EXAM OF EYE	\$ 101.22	Correction
76519	26	MIDLEVEL ECHO EXAM OF EYE	\$ 92.00	Correction
76519		A-SCAN EYE US W IOL MEASR	\$ 222.09	Correction
76529	TC	US TO LOCALIZE FB IN EYE	\$ 171.66	New
76529	26	ECHO EXAM OF EYE	\$ 108.69	Correction
76529	26	MIDLEVEL ECHO EXAM OF EYE	\$ 98.80	Correction
76536		US EXAM OF HEAD AND NECK	\$ 393.25	Correction
76604		US EXAM CHEST	\$ 540.15	Correction
76641		ULTRASOUND BREAST COMPLETE	\$ 361.20	Correction
76642	26	ULTRASOUND BREAST LIMITED	\$ 107.22	Correction
76642		ULTRASOUND BREAST LIMITED	\$ 371.82	Correction
76700		US EXAM ABDOM COMPLETE	\$ 483.90	Correction
76705		ECHO EXAM OF ABDOMEN	\$ 524.30	Correction
76706	26	US ABDL AORTA SCREEN AAA	\$ 91.20	Correction
76706		US ABDL AORTA SCREEN AAA	\$ 428.70	Correction
76770		US EXAM ABDO BACK WALL COMP	\$ 478.45	Correction
76775		US EXAM ABDO BACK WALL LIM	\$ 585.75	Correction
76776		US EXAM K TRANSPL W/DOPPLER	\$ 547.45	Correction
76800		US EXAM SPINAL CANAL	\$ 603.35	Correction
76801	TC	OB US < 14 WKS SINGLE FETUS	\$ 303.45	Correction
76802	TC	OB US < 14 WKS ADDL FETUS	\$ 75.57	New
76802	26	OB US < 14 WKS, ADD'L FETUS	\$ 176.43	Correction
76802	26	MIDLEVEL OB US < 14 WKS, ADD'L FETUS	\$ 160.40	Correction
76805		OB US >= 14 WKS SNGL FETUS	\$ 483.25	Correction
76810	TC	OB US >= 14 WKS ADDL FETUS	\$ 187.95	Correction
76811	TC	OB US DETAILED SNGL FETUS	\$ 317.40	Correction
76811		OB US DETAILED SNGL FETUS	\$ 658.65	Correction
76812	TC	OB US DETAILED ADDL FETUS	\$ 383.52	New
76812	26	OB US, DETAILED, ADDL FETUS	\$ 287.52	Correction
76812		OB US DETAILED ADDL FETUS	\$ 671.04	Correction

76812	26	MIDLEVEL OB US, DETAILED, ADDL FETUS	\$ 261.40	Correction
76813	TC	OB US NUCHAL MEAS 1 GEST	\$ 210.80	New
76814	TC	OB US NUCHAL MEAS ADD-ON	\$ 99.78	New
76814		OB US NUCHAL MEAS ADD-ON	\$ 388.08	Correction
76815		OB US LIMITED FETUS(S)	\$ 490.05	Correction
76816	TC	OB US FOLLOW-UP PER FETUS	\$ 246.00	New
76816	26	OB US, FOLLOW-UP, PER FETUS	\$ 197.10	Correction
76816	26	MIDLEVEL OB US, FOLLOW-UP, PER FETUS	\$ 179.20	Correction
76818		FETAL BIOPHYS PROFILE W/NST	\$ 476.40	Correction
76819	TC	FETAL BIOPHYS PROFIL W/O NST	\$ 201.55	New
76820	TC	UMBILICAL ARTERY ECHO	\$ 71.40	Correction
76821	TC	MIDDLE CEREBRAL ARTERY ECHO	\$ 195.55	New
76825		FETAL CARDIOVASC 2-D US	\$ 966.30	Correction
76825	TC	FETAL CARDIOVASC 2-D US	\$ 669.15	Correction
76826	TC	FETAL CARDIOVASC 2-D FOLLOWUP US	\$ 426.90	New
76826		FETAL CARDIOVASC 2-D FOLLOWUP US	\$ 627.70	Correction
76827	TC	COMPL FETAL DOPPLER ECHOCARGIOGRAM	\$ 159.27	New
76827		COMPL FETAL DOPPLER ECHOCARGIOGRAM	\$ 305.62	Correction
76828	TC	LIMIT FETAL DOPPLER ECHOCARDIOGRAM	\$ 73.50	New
76830		TRANSVAGINAL US NON-OB	\$ 525.35	Correction
76831	TC	ECHO EXAM UTERUS	\$ 343.35	New
76856		US EXAM PELVIC COMPLETE	\$ 463.05	Correction
76857	TC	US EXAM PELVIC LIMITED	\$ 82.44	Correction
76857		US EXAM PELVIC LIMITED	\$ 160.86	Correction
76857	26	US EXAM PELVIC LIMITED	\$ 78.42	Correction
76857	26	MIDLEVEL US EXAM, PELVIC, LIMITED	\$ 71.30	Correction
76870		US EXAM SCROTUM	\$ 460.95	Correction
76872	TC	US TRANSRECTAL	\$ 330.24	New
76872		US TRANSRECTAL	\$ 454.14	Correction
76873	TC	ECHOGRAP TRANS R PROS STUDY	\$ 332.73	New
76873		ECHOGRAP TRANS R PROS STUDY	\$ 609.93	Correction
76882	TC	US XTR NON-VASC LMTD	\$ 113.43	Correction
76882		US XTR NON-VASC LMTD	\$ 199.68	Correction
76885	TC	US EXAM INFANT HIPS DYNAMIC	\$ 286.39	New
76886	TC	US EXAM INFANT HIPS STATIC	\$ 213.78	New
76886		US EXAM INFANT HIPS STATIC	\$ 319.83	Correction
76930		ECHO GUIDE CARDIOCENTESIS	\$ 118.65	Correction
76932		ECHO GUIDE FOR HEART BIOPSY	\$ 122.85	Correction
76936	TC	ECHO GUIDE FOR ARTERY REPAIR	\$ 742.35	New
76940		US GUIDE TISSUE ABLATION	\$ 376.95	Correction
76941		ECHO GUIDE FOR TRANSFUSION	\$ 241.50	Correction
76945		ECHO GUIDE VILLUS SAMPLING	\$ 123.90	Correction
76946	TC	ECHO GUIDE FOR AMNIOCENTESIS	\$ 60.90	New
76948	TC	ECHO GUIDE OVA ASPIRATION	\$ 139.44	New
76948		ECHO GUIDE OVA ASPIRATION	\$ 209.79	Correction
76965	TC	ECHO GUIDANCE RADIOTHERAPY	\$ 86.16	New
76965		ECHO GUIDANCE RADIOTHERAPY	\$ 327.66	Correction
76970	TC	ULTRASOUND EXAM FOLLOW-UP	\$ 301.35	New
76975		GI ENDOSCOPIC ULTRASOUND	\$ 157.50	Correction

76977		US BONE DENSITY - PERIPHERAL	\$ 31.50	New
76998		US GUIDE INTRAOP	\$ 236.25	Correction
77001		FLUOROGUIDE FOR VEIN DEVICE	\$ 437.95	Correction
77002	TC	NEEDLE LOCALIZATION BY XRAY	\$ 255.90	New
77002		NEEDLE LOCALIZATION BY XRAY	\$ 354.60	Correction
77003	TC	FLUOROGUIDE FOR SPINE INJECT	\$ 236.07	New
77003		FLUOROGUIDE FOR SPINE INJECT	\$ 345.27	Correction
77011	TC	CT SCAN FOR LOCALIZATION	\$ 579.30	New
77011		CT SCAN FOR LOCALIZATION	\$ 796.65	Correction
77012	TC	CT SCAN FOR NEEDLE BIOPSY	\$ 268.29	New
77012	26	CT SCAN FOR NEEDLE BIOPSY	\$ 210.50	Correction
77012	26	MIDLEVEL CT SCAN FOR NEEDLE BIOPSY	\$ 231.51	Correction
77012		CT SCAN FOR NEEDLE BIOPSY	\$ 499.80	Correction
77013		CT GUIDE FOR TISSUE ABLATION	\$ 722.40	Correction
77014	TC	CT SCAN FOR THERAPY GUIDE	\$ 264.57	New
77014		CT SCAN FOR THERAPY GUIDE	\$ 416.82	Correction
77053	TC	X-RAY OF MAMMARY DUCT	\$ 136.95	New
77053		X-RAY OF MAMMARY DUCT	\$ 198.90	Correction
77054	TC	X-RAY OF MAMMARY DUCTS	\$ 181.56	New
77054		X-RAY OF MAMMARY DUCTS	\$ 262.41	Correction
77065		DX MAMMO INCL CAD UNI	\$ 444.15	Correction
77066	26	DX MAMMO INCL CAD BI	\$ 158.04	Correction
77066	TC	DX MAMMO INCL CAD BI TECH COMP	\$ 413.25	Correction
77066		DX MAMMO INCL CAD BI	\$ 571.32	Correction
77067	26	SCR MAMMO BI INCL CAD	\$ 119.61	Correction
77067	TC	SCR MAMMO BI INCL CAD TECH COMP	\$ 341.40	Correction
77067		MAMMOGRAM SCREENING	\$ 461.01	Correction
77071		X-RAY STRESS VIEW	\$ 72.30	Correction
77071	26	MIDLEVEL X-RAY STRESS VIEW	\$ 65.70	Correction
77072	TC	X-RAYS FOR BONE AGE	\$ 50.22	New
77072		X-RAYS FOR BONE AGE	\$ 83.82	Correction
77073	TC	X-RAYS BONE LENGTH STUDIES	\$ 79.95	New
77073		X-RAYS BONE LENGTH STUDIES	\$ 133.50	Correction
77074	TC	X-RAYS BONE SURVEY LIMITED	\$ 155.55	New
77075	TC	X-RAYS BONE SURVEY COMPLETE	\$ 226.17	New
77075		X-RAYS BONE SURVEY COMPLETE	\$ 385.35	Correction
77076	TC	X-RAYS BONE SURVEY INFANT	\$ 228.63	New
77076		X-RAYS BONE SURVEY INFANT	\$ 353.58	Correction
77077	TC	JOINT SURVEY SINGLE VIEW 2+ JOINTS	\$ 77.49	New
77077		JOINT SURVEY SINGLE VIEW	\$ 138.39	Correction
77078	TC	MIDLEVEL CT BONE DENSITY, AXIAL	\$ 213.78	New
77078		CT BONE DENSITY AXIAL	\$ 256.83	Correction
77080	TC	DXA BONE DENSITY, AXIAL	\$ 104.73	New
77080		DXA BONE DENSITY AXIAL	\$ 144.63	Correction
77081	TC	DXA BONE DENSITY/PERIPHERAL	\$ 79.95	New
77081		DXA BONE DENSITY/PERIPHERAL	\$ 119.85	Correction
77086	TC	FRACTURE ASSESSMENT VIA DXA	\$ 92.34	New
77086	26	FRACTURE ASSESSMENT VIA DXA	\$ 26.49	New
77086		FRACTURE ASSESSMENT VIA DXA	\$ 118.86	Correction

80055		OBSTETRIC PANEL	\$ 159.36	Correction
80175		DRUG SCREEN QUAN LAMOTRIGINE	\$ 44.19	New
80177		DRUG SCR N QUAN LEVETIRACETAM	\$ 44.19	New
81257		HBA1/HBA2 GENE	\$ 306.78	New
92591	26	HEARING AID EXAMINATION & SELECTION BINAURAL	\$ 150.00	New
92592	26	HEARING AID CHECK MONAURAL	\$ 65.00	New
92593	26	HEARING AID CHECK BINAURAL	\$ 85.00	New
93296	26	REM INTERROG EVL PM/IDS	\$ 88.63	New
A4657		SYRINGE W/WO NDL	\$ 84.00	New
A4913		MISC DIALYSIS SUPPLY	\$ 27.00	New
G0297	TC	LDCT FOR LUNG CA SCREEN	\$ 647.43	New
G0297	26	LDCT FOR LUNG CA SCREEN	\$ 161.46	New
G0500	26	MOD SEDAT ENDO SERVICE >5YRS	\$ 17.09	New



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

GIG Partners, Inc. and  
Niizeki International Saipan Co., Ltd.,

Respondents.

Labor Case No. 16-024 and  
Labor Case No. 17-020

**ORDER DENYING  
COMPLAINANT'S  
MOTION TO RECUSE**

## I. INTRODUCTION

This matter came before this Office pursuant to Complainant's Laymans' Motion for Continuances to Write Various Orders and Responses Due to Overt Bias and Prejudice of Sitting Hearing Officer <sup>1</sup> ("Complainant's Motion for Recusal" or "Complainant's Motion").<sup>2</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion for Recusal is hereby **DENIED**.

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<sup>1</sup> While Complainant's Motion references a continuance, the basis and allegations in the motion is actually requesting a recusal. Accordingly, Complainant's Motion will be construed as a motion for recusal.

<sup>2</sup> Complainant submitted this motion in connection with Labor Case No. 19-025, Labor Case No. 19-026, Labor Case No. 16-024, and Labor Case No. 17-020. It is unclear whether Complainant has served his motion to the applicable opposing party or opposing counsel.

## II. LEGAL STANDARD

Pursuant to Northern Mariana Islands Administrative Code,

[a] hearing officer shall be impartial. A hearing officer *may* voluntarily enter a recusal *if the hearing officer's impartiality might be called into question*. A party may request the recusal of a hearing officer. The request must be in writing supported by a sworn affidavit based on facts as to which the affiant would be qualified to testify under evidentiary rules with respect to hearsay. The hearing officer shall decide the request based only on the written affidavit. If the hearing officer refuses the recusal, the hearing officer shall state the reasons for the refusal. A party may contest the refusal by written petition to the Secretary.

NMIAC § 80-20.1-460(d) (emphasis added).<sup>3</sup>

## III. DISCUSSION

Pursuant to NMIAC § 80-20.1-460(d), the undersigned refuses to recuse herself for the following reasons:

### 1. There is no alleged conflict of interest.

Here, Complainant makes a blanket statement or bald assertion of bias by the undersigned. Clearly, Complainant's Motion strongly opines a disdain for the current administration, the CNMI Department of Labor, and specifically, the undersigned Administrative Hearing Officer. In doing so, Complainant makes a flurry of scandalous and unverified statements.

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<sup>3</sup> In comparison, when a litigant moves for recusal under 1 CMC § 3308, a trial judge is required to recuse himself or herself when a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might be questioned. 1 CMC § 3308; *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 5. The standard for determining that a justice has personal bias or prejudice pursuant to 1 CMC § 3308 is an objective standard. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 30. A justice should be disqualified if alleged bias or prejudice against a party is derived from an extra-judicial source. *Id.* The mere fact that a relationship exists between a judge and an interest party, without more, does not per se require disqualification. *Id.* at ¶ 33. However, when a recusal motion is based on allegations of friendship, the court must examine the nature and extent of the relationship, and make a judgment call concerning how close and how extensive and how recent these associations are or have been. *Id.*

Notably, Complainant cannot point to a specific action or relationship to support his allegations of bias. Further, the allegations fall short of evidentiary rules and standards of hearsay.

In this matter, the undersigned has not engaged in confidential mediations in the above-captioned cases. Also, the undersigned has no personal or financial stake in the matter. The undersigned has no familial, personal, or business relationship with either party, its' representatives, or its affiliated partners. Further, the undersigned does not stand to benefit or lose from any decision rendered in this case. The undersigned only seeks to apply and uphold the applicable law.

## **2. The undersigned's previous decisions were supported by law and reasoning.**

A litigant's allegations challenging the court's rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, "the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39.

Upon review, it appears that Complainant's Motion for Recusal really stems from the undersigned's prior decisions and rulings in various cases. Specifically, Complainant's Motion states: "1#, the 'hearing officer' is directly and overtly biased against the complainant, mr [sic] zajradhara [sic], this is made clear by reviewing *every action* against the complainant, every pre-hearing, every brief, even the scheduling, . . . ." Compl.'s Mot. at 1 (emphasis added).<sup>4</sup> Complainant further alleges:

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<sup>4</sup> Notably, Complainant's Motion falls short of reviewing every action and only vaguely references previous rulings and cases.

“THE NEWLY HIRED CNMI DEPT [sic] OF LABOR HEARING OFFICER, HAS MADE IT THEIR POINT, EXCERSIZE [sic] AND GOAL TO IN SOME WAY MAKE IT APPEAR THAT MY FILINGS ARE IN SOMEWAY ‘ILLEGAL’, AGGRESSIVE OR ANYOTHER [sic] FORM OF NEGATIVE OUT COMES [sic] OR OPINIONS.”

Compl.’s Mot. at 1-2.

The undersigned holds impartiality, integrity, and respect for the law in the utmost regard. The above-stated allegations regarding previous decisions do not warrant recusal for a number of reasons. First, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. Second, the proper course of action for disagreement of a final order is appeal, not recusal in other cases. There has been no appeal of any of the undersigned’s final decisions. Third, contrary to the applicable legal standard for recusals at the Administrative Hearing Office, the above-stated allegations as to the undersigned’s goals are opinion, not fact. The only agenda this office has is application of the law. And fourth, despite Complainant’s attempts to continuously undermine the authority and rulings of this office, a review of the orders, rulings, procedure, and cited legal authority shows the decisions were supported by the applicable law and reason.

In this matter, Complainant filed a number of motions to set aside a global settlement agreement in Labor Case Nos. 16-024 and 17-020. Considering the need for clarity, a status conference was held on September 10, 2019. Complainant voiced objections to consolidating the matter, despite the fact both cases were previously heard together by the former hearing officer and part of a global settlement agreement. Given Complainant’s objections and desire to consult legal counsel, an Order was issued setting a deadline for Complainant’s written objection, with reasons to support his objection, to be submitted on or before September 25, 2019. As shown by NMIAC § 80-20.1-470(g), the decision to consolidate a matter falls directly within the hearing officer’s authority and discretion.

Complainant failed to file a written objection and consolidation is supported by the regulations. No other actions were taken in these matters—much less any action to warrant recusal.

### **3. Complainant's allegations mischaracterize the proceedings and rulings.**

Complainant's Motion continues to make other unverified allegations to state that the undersigned "is in no way neutral." Compl.'s Mot. at 3. As discussed below, Complainant's allegations mischaracterize the proceedings and rulings, and are not grounds for recusal in this matter. At all times, the undersigned is prepared to proceed with impartiality.<sup>5</sup>

First, Complainant argues that the undersigned has denied him various evidences to prove his case. This statement is false. Pursuant to NMIAC § 80-20.1-470(i), a hearing officer may, but is not required to allow discovery. Generally, the production of documents is allowed when relevant, probative, and within the limitations stated under NMIAC § 80-20.2-165. With respect to this matter, Complainant's Request for Production/Discovery has not be denied but is still pending. It is unclear whether Complainant's Request for Production/Discovery was ever served onto opposing counsel. Further, upon review, it is unclear whether the requested documents are relevant, probative, and within the limitations of the above-stated provisions.

Second, Complainant argues that the undersigned is "SIDING WITH THE PRIMARILY CHINESE BUSINESSES, THEN GOES ON SAY THAT MY CASES HAVE NO MERIT, OR THAT I AM FILING A FRIVILOIUS [*sic*] CASE. OR OTHER." Compl.'s Mot. at 2.<sup>6</sup> This statement is also an untrue mischaracterization of the facts. As stated above, the undersigned renders rulings based on the applicable law. While it is true that Complainant's claims before the undersigned have been unmeritorious, it is either because

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<sup>5</sup> Proceeding with impartiality does not mean a disregard of applicable law.

<sup>6</sup> The undersigned finds the racial identification unnecessary.

he fails to meet his burden in proving his claim or he withdraws his complaint.<sup>7</sup> Furthermore, any decisions to impose sanctions were prompted by Complainant's actions or motion filings from opposing counsels pursuant to NMIAC § 80-20.2-130(c)(5). *See Zajradhara v. Nippon General Trading Corporation*, LC-19-025 (Order Granting Motion for Sanctions issued September 30, 2019 at 11).

Third, Complainant argues that the undersigned is:

ALLOWING THE SO-CALLED CNMI DEPT [sic] OF LABOR PRETEND INVESTIGATORS TO DO ABSOLUTELY NO INVESTIGATION [sic] AND OR TO INSTRUCT BUSINESS TO CANCEL THEIR JVAS, SO AS TO ESCAPE THE CASES, AND OR ALLOWS [sic] TO THE COMPANIES TO STATE THAT THE [sic] CANCELLED THE JVA THAT I APPLIED FOR, JUST TO AGAIN POST THE JVA AGAIN [sic] A MONTH LATER, AND THE HEARING OFFICER FINDS NO 'BAD FAITH' IN SUCH CONDUCT... [sic]

Compl.'s Mot. at 2.<sup>8</sup>

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<sup>7</sup> For instance, in *Zajradhara v. Woo Jung Corporation*, judgment was entered in favor of respondent because (1) Complainant did not even apply for the relevant JVA and therefore, the respondent did not technically "reject" his application; and (2) a foreign worker was not hired. *Zajradhara v. Woo Jung Corporation*, LC-18-059 (Administrative Order issued May 16, 2019 at 6-7). Also, in other cases, Complainant dismissed the complaint when he failed to meet all the elements of the claim, such as, hiring a foreign national worker. *See Zajradhara v. S.W. Corporation*, LC-19-002 (Order of Dismissal at 2).

Notably, the Order in *Zajradhara v. Woo Jung Corporation* relies on precedent created by the former Hearing Officer. *See Zajradhara v. SPN China News Corporation*, LC-17-021 (Administrative Order issued July 12, 2018 at 4) ("There are several problems with Complainant meeting the elements of this claim, based on the facts of this case. Most important is the fact that Employer never hired a foreign national worker, or anyone to fill the advertised position."); *see also Zajradhara v. Haitan Construction Group*, LC-17-052 (Administrative Order issued May 25, 2018 at 4) ("Complainant Failed To Prove that Employer Had Filled the Vacant or Renewed Positions with Foreign National Workers; Therefore, Complainant Cannot Prevail under 3 CMC § 4528(a)"); *see also Zajradhara v. Karis Company, Ltd.*, LC-17-019 (Administrative Order issued December 28, 2017 at 6 ("Because Employer never received a job application or resume from Complainant, Complainant cannot prove that his application was unjustly rejected by Employer [and] the alleged charge must fail."); *see also Zajradhara v. Li Feng*, LC 17-043 (Administrative Order issued July 11, 2018 at 6) ("Complainant failed to establish that Employer rejected Complainant's job application without just cause because Complainant declined Employer's offer to interview him for the job.").

<sup>8</sup> It appears that some of Complainant's allegations are in reference to another case but it is unclear which case.

Again, this is an extreme mischaracterization. The Administrative Hearing Office and Enforcement are separate divisions of the Department of Labor—with separate authorities and different powers. To protect impartiality, the undersigned simply refers labor complaints to Enforcement for investigation. The undersigned is not involved in the investigation and only learns about the outcome of the investigation in the written determination, which is filed and served to all the parties involved prior to the Administrative Hearing. Further, issues with the investigation and determination, if any, is clarified and corrected during a prehearing conference or subsequent hearing. Complainant's grievances with Enforcement, whether they have merit or not, do not warrant recusal of the hearing officer. Furthermore, it is important to note, that in consideration of due process, the undersigned cannot sanction employers for perceived violations if there is no compliance agency case initiated that gives the employers notice and opportunity to respond to the allegations.<sup>9</sup> Lastly, considering that the regulations specifically allow parties to cancel a JVA and hire no one, such action, without more, is not "bad faith."<sup>10</sup>

Fourth, Complainant alleges that the undersigned "WANTS TO LIE AND STATE THAT EVERYTHING I DO IN/DURING THE HEARING CALLS FOR SACNTIONS [sic]...OR THAT I AGGRESSIVE [sic], SIMPLY BECAUSE,. [sic] I DON'T WANT TO BE A PART OF A 'KANGROO [sic] COURT'..." Compl.'s Mot. at 2. As evidenced by Complainant's own words, it is true that Complainant takes every opportunity to undermine

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<sup>9</sup> The decision to refrain from issuing sanctions in matters not alleged in complaint or initiated by a compliance agency case is also supported by precedent from the former hearing officer. *See Zajradhara v. Yen's Corporation*, LC-17-040 (Administrative Order issued July 11, 2018 at 9) ("The [ ] issue was not specifically raised in the Determination and the Department of labor did not file Agency charges against the employer for violating 3 CMC § 4963(d). Although the matter was addressed at the Hearing with the implied consent of the parties [ ], Enforcement never moved at Hearing to add charges related to this conduct. Accordingly, the above-noted finding *shall not be used as a basis for sanctions against this Employer.*") (Emphasis added).

<sup>10</sup> "Employers may reevaluate their employment needs and hire no one for the proposed position." NMIAC § 80-20.1-235(c)(4).

and disrespect the Administrative Hearing Office.<sup>11</sup> Further, Complainant rarely extends civility and continuously seeks to react, rather than listen. Complainant's conduct regularly includes: showing up late, failing to attend, interrupting others who are speaking, becoming hostile or disrespectful to the staff and the Administrative Hearing Officer, and storming out of hearings unexcused.<sup>12</sup> Complainant was given numerous verbal warnings and written instructions to allow him to adhere to the applicable rules and standards of conduct. As constantly stated in the undersigned's orders, party's appearing before the Administrative Hearing Officer will be held to the standard of conduct established under NMIAC § 80-20.1-480(c), and if necessary, subject to sanctions pursuant to NMIAC § 80-20.1-485(c)(13). Any conduct falling below the applicable standard simply cannot be condoned or tolerated. Furthermore, Complainant cannot simply file a complaint, refuse to participate accordingly, then complain when he doesn't get his way—especially when the burden of proof rests with Complainant.

Fifth, Complainant argues that “THIS SO CALLED HEARING OFFICER HAS DENTJIED [*sic*] ME MEDIATIONS IN EVERY CASE, SO SHE CAN DIRECTLY GO INTO SANCTIONABLE ACTIONS . . . .” Compl.'s Mot. at 2. Again, this is false and a mischaracterization of the circumstances. The regulations do not require cases to be mediated. Further, because there is only one hearing officer and mediations involving the hearing officer create a conflict of interest,<sup>13</sup> the undersigned has no choice but to suspend mediations until funding for a mediator or a second hearing officer has been appropriated.

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<sup>11</sup> The level of disrespect is apparent on the face of Complainant's Motion. For instance, Complainant's Motion unjustifiably refers to the undersigned as the “SO-CALLED HEARING OFFICER,” “THIS !\$#@^%\$&,” “THIS PAWN OF THE CHINESE BUSINESS COMMUNITY/FILIPINO WORKER COMMUNITY,” and “A SET-UP ARTIST.” Compl. Mot. at 2-3.

<sup>12</sup> Complainant's Motion also states that “THIS SO-VCLLED [*sic*] HEARING OFFICER HAS NOT YET SACNTIONED [*sic*] A CHINESE COMPANY, BUT AT EVERY HEARING SHE TALKS SANCTIONS FOR ONLY ME . . . .” Compl.'s Mot. at 2. In response, the undersigned notes that Orders to Show Cause for failure to appear or failure to pay have been issued to non-compliant businesses. Further, before the imposition of sanctions, the undersigned offers warnings and opportunities to correct to all. Lastly, sanctions for misconduct have not been justified where businesses do not engage in similar habitual, egregious, or unjustifiable misconduct.

<sup>13</sup> See *Zajradhara v. Jin Joo Corporation*, LC-18-060 (Order of Recusal issued May 16, 2019).

This is not a scheme solely directed at Complainant, but an office-wide policy to prevent creating potential conflicts of interest in all cases. While the undersigned recognizes the benefits of a swift and amicable resolution through mediation, it would be irresponsible to continue to create potential conflicts of interest. Further, parties have the opportunity to engage in settlement discussions outside the office and are asked whether settlement is an option during the Prehearing Conference.

Sixth, Complainant argues, “SHE AND THE CNMI DEPT [*sic*] OF LABOR IS MAKING SURE THAT THEY DO NOT PROVIDE ME WITH THE EVIDENCE, NOR OPPORTUNITIES TO MAKE A CASE AGAINST THESE COMPANIES THAT ARE COMMITTING VISA FRAUD, AND WORKER IMMIGRATION FRAUD.” As previously advised to Complainant, this Office has no jurisdiction to entertain claims or violations in regards to immigration. Further, it is not this Office’s responsibility to assist in proving his alleged immigration claims—such action would call into question the impartiality of this Office. Complainant must shoulder his own burden of proof. In the event that Complainant is filing frivolous claims in this office to assist or support his federal claims, Complainant opens himself up to a showing of bad faith. Further, copies of public records have been made available upon payment of the applicable fee.

As shown above, Complainant’s Motion simply mischaracterizes the proceedings and rulings of the Administrative Hearing Office. The above-stated allegations are a reflection of Complainant, and simply do not warrant recusal of the undersigned.

#### IV. CONCLUSION

For the reasons stated above, Complainant’s Motion for Recusal is hereby **DENIED**.

So ordered this **17th** day of October, 2019.

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/s/  
Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

GIG Partners, Inc. and

Niizeki International Saipan Co., Ltd.,

Respondents.

**Consolidated Labor Case Nos.  
16-024 and 17-020**

**ADMINISTRATIVE  
ORDER**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing or briefing.

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed

<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

<sup>2</sup> Thereunder,

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at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

The procedural history of these cases are particularly convoluted.<sup>3</sup> Significantly, the above-captioned matters were previously settled pursuant to a global settlement agreement. Subsequently, Complainant sought to set aside the settlement agreement and re-open case. Additionally, Complainant filed: (1) a Layman's Motion to Show Bad Faith and Breach of Settlement; and (2) written requests for additional discovery. Before the undersigned could hear oral arguments or issue rulings on the previously pending motions, Complainant filed the present Motion to Dismiss all his cases at this office.

Considering that the Complainant's Motion to Dismiss was a single filing to apply to all his pending cases at this office, it fell short of noting the procedural intricacies of this case, as well as the requested relief regarding settlement and pending motions. However, it is

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[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> These matters were heard by the former hearing officer. When the file was transferred to the undersigned hearing officer, the record lacked an order of consolidation, a final order dismissing the case pursuant to a settlement agreement, and ordered briefs to the pending motions.

clear that Complainant no longer wishes to pursue these claims.<sup>4</sup> Accordingly, the undersigned construes Complainant's Motion To Dismiss as an attempt to withdraw or abandon the pending motions.

### III. CONCLUSION

Accordingly, it is hereby ordered that:

1. The terms of the above-mentioned Settlement Agreement are hereby incorporated into this Order, approved, and accepted for the terms stated therein;
2. Complainant's "Laymans' Motion to Set Aside Settlement Agree and Re-open case" is hereby **DENIED**;
3. Complainant's "Layman's Motion to Show 'Bad Faith' and Breach of Settlement" is hereby **DENIED**;
4. Complainant's "Motion for Request for Production/Discovery" is hereby **DENIED**;
5. Any pending deadlines or brief scheduled are hereby **VACATED**; and,
6. Having no other pending issues or claims, the above-captioned matters are hereby **DISMISSED**.

So ordered this **7th** day of November, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer

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<sup>4</sup> While Complainant's Motion to Dismiss repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office, Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss "any and all" cases, Complainant's motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant's failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Winnie U.S.A. Corporation,

Respondent.

**Labor Case No. 17-048**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

**I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. See NMIAC §80-20.1-485(b); see also *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On June 2, 2017, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the pleadings,

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

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/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Fei Ma Industrial Co., Ltd.,

Respondent.

**Labor Case No. 18-005**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

# **I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On February 27, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

the pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim and alleges matters outside the six month statute of limitations. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

\_\_\_\_\_  
/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

J & A Corporation,

Respondent.

Labor Case No. 18-019

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE. AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 5, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

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Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Sheu's Brothers Holding Co. Ltd.,

Respondent.

**Labor Case No. 18-023**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 5, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Canaan Realty LLC,

Respondent.

**Labor Case No. 18-024**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

**I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

ORIGIN

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. See NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 6, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

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Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Jarvis Corporation,

Respondent.

**Labor Case No. 18-025**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

ORIGINAL

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 18, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

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Jacqueline A. Nicolas  
Administrative Hearing Officer



## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. See NMIAC §80-20.1-485(b); see also *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 6, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

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/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Luyi, LLC,

Respondent.

**Labor Case No. 18-035**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 18, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

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Jacqueline A. Nicolas  
Administrative Hearing Officer

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Xinhua Investment Co., Ltd.,

Respondent.

**Labor Case No. 18-037**

## ORDER GRANTING COMPLAINANT'S MOTION TO DISMISS

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS'[sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. See NMIAC §80-20.1-485(b); see also *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 18, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

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/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

Yantze Corporation,

Respondent.

Labor Case No. 18-038

ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS

I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 18, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

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Jacqueline A. Nicolas  
Administrative Hearing Officer



## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

On April 30, 2018, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Regretfully, no other action or follow-up was taken on this matter since filing, until September 4, 2019.<sup>4</sup> Upon review of the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> It appears this matter was filed during the former hearing officer’s time and its processing was overseen in light of Super Typhoon Yutu, displacement of the Administrative Hearing Office due to typhoon damage, and the transition of the undersigned hearing officer in January of 2019.

pleadings, the undersigned issued an order requesting Complainant to submit additional information as the Complaint failed to state a claim. Further, Complainant was requested to resubmit the *In Forma Pauperis* form or pay the filing fee.<sup>5</sup>

Complainant did not submit the additional information, in forma pauperis form, or filing fee. Instead, on October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>6</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>5</sup> “[A] complainant who files in forma pauperis and is later found by a hearing examiner not to qualify for that status may be ordered to pay the filing fee.” NMIAC § 80-20.1-455(k). Complainant’s objection to paying the filing fee was overruled in a written order. Therein, the undersigned recognized that Complainant was previously found indigent but noted that Complainant’s financial situation has changed since filing—specifically Complainant has indicated steady income from new employment and records indicate sporadic income through settlements.

<sup>6</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**.

So ordered this **15th** day of November, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

G.E.M. Corporation,

Respondent.

Labor Case No. 19-027

ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS

I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Subsequently, Respondent filed a written answer stating that they did not receive an application from Complainant for the applicable

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Job Vacancy Announce (“JVA”). Further, Respondent included an exhibit which appears to be a print out of the JVA purporting that there were no responses to the JVA.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>4</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **1st** day of November, 2019.

/s/  
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Jacqueline A. Nicolas  
Administrative Hearing Officer

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<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Chang Xing Corporation,

Respondent.

**Labor Case No. 19-028**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

**I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Subsequently, Respondent filed a written answer stating that Complainant never applied for the applicable Job Vacancy

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Announcement (“JVA”). Respondent’s answer was construed as a motion to dismiss and an administrative hearing was scheduled.

On September 17, 2019, Complainant filed an initial motion to dismiss, captioned, “LAYMAN’S MOTION TO DISMISS VARIOUS CASES DUE TO THE HEARING OFFICERS [*sic*] OVERT BIAS TO THE COMPLAINANT.” As a preliminary matter, the undersigned maintains that application of the law does not amount to bias.<sup>4</sup> That being said, the initial motion to dismiss was denied because: (1) an alleged bias is not grounds for dismissal; (2) the allegations of bias were false and unsubstantiated; and (3) a review of the orders, rulings, procedure, and cited legal authority shows the decisions were supported by the applicable law and reason. However, the Order denying the initial motion to dismiss provided that, in the event that Complainant seeks dismissal to withdraw or abandon a claim he no longer wishes to pursue, he must indicate so, in writing.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that

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<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal.

<sup>5</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **1st** day of November, 2019.

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/s/  
Jacqueline A. Nicolas  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

RJCL Corporation,

Respondent.

Labor Case No. 19-029

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

**I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS'[sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. See NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Subsequently, Respondent filed a written answer stating that a foreign worker was not hired for the applicable Job Vacancy Announcement (“JVA”). Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

the Department's Enforcement, Compliance, and Monitoring Section ("Enforcement") for investigation. A written determination is pending.

On September 17, 2019, Complainant filed an initial motion to dismiss, captioned, "LAYMAN'S MOTION TO DISMISS VARIOUS CASES DUE TO THE HEARING OFFICERS [*sic*] OVERT BIAS TO THE COMPLAINANT." As a preliminary matter, the undersigned maintains that application of the law does not amount to bias.<sup>4</sup> That being said, the initial motion to dismiss was denied because: (1) an alleged bias is not grounds for dismissal; (2) the allegations of bias were false and unsubstantiated; and (3) a review of the orders, rulings, procedure, and cited legal authority shows the decisions were supported by the applicable law and reason. However, the Order denying the initial motion to dismiss provided that, in the event that Complainant seeks dismissal to withdraw or abandon a claim he no longer wishes to pursue, he must indicate so, in writing.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that

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<sup>4</sup> A litigant's allegations challenging the court's rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, "the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant's allegations regarding prior rulings and decisions cannot form the proper basis for recusal.

<sup>5</sup> A litigant's allegations challenging the court's rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, "the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant's allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant's allegations of discrimination and bias are false mischaracterizations of this Office's proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant's present motion.

Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **1st** day of November, 2019.

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/s/  
Jacqueline A. Nicolas  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

SBS Corporation,

Respondent.

Labor Case No. 19-032

ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS

I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

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## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to the Department's Enforcement, Compliance, and Monitoring

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> "A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job." 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Section (“Enforcement”) for investigation. Based on the investigation, Enforcement submitted a written determination finding no violation.

On September 17, 2019, Complainant filed an initial motion to dismiss, captioned, “LAYMAN’S MOTION TO DISMISS VARIOUS CASES DUE TO THE HEARING OFFICERS [*sic*] OVERT BIAS TO THE COMPLAINANT.” As a preliminary matter, the undersigned maintains that application of the law does not amount to bias.<sup>4</sup> That being said, the initial motion to dismiss was denied because: (1) an alleged bias is not grounds for dismissal; (2) the allegations of bias were false and unsubstantiated; and (3) a review of the orders, rulings, procedure, and cited legal authority shows the decisions were supported by the applicable law and reason. However, the Order denying the initial motion to dismiss provided that, in the event that Complainant seeks dismissal to withdraw or abandon a claim he no longer wishes to pursue, he must indicate so, in writing.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clarifies, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show

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<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal.

<sup>5</sup> For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **28th** day of October, 2019.

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/s/  
Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

J.C. Marketing,

Respondent.

**Labor Case No. 19-033**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> In response, Respondent filed a written answer stating they called Complainant to schedule an interview on three occasions, yet all calls were unanswered and Respondent never received any additional communication from

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Complainant. For that reason, Complainant was not hired. Based on the pleadings, the matter was scheduled for a hearing.

On September 17, 2019, Complainant filed an initial motion to dismiss, captioned, “LAYMAN’S MOTION TO DISMISS VARIOUS CASES DUE TO THE HEARING OFFICERS [*sic*] OVERT BIAS TO THE COMPLAINANT.” As a preliminary matter, the undersigned maintains that application of the law does not amount to bias.<sup>4</sup> That being said, the initial motion to dismiss was denied because: (1) an alleged bias is not grounds for dismissal; (2) the allegations of bias were false and unsubstantiated; and (3) a review of the orders, rulings, procedure, and cited legal authority shows the decisions were supported by the applicable law and reason. However, the Order denying the initial motion to dismiss provided that, in the event that Complainant seeks dismissal to withdraw or abandon a claim he no longer wishes to pursue, he must indicate so, in writing.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clarifies, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show

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<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal.

<sup>5</sup> For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **29th** day of October, 2019.

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/s/  
Jacqueline A. Nicolas  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Xinhua Investment Co., Ltd.,

Respondent.

**Labor Case No. 19-034**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

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## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to the Department's Enforcement, Compliance, and Monitoring

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> "A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job." 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Section (“Enforcement”) for investigation. Based on the investigation, Enforcement submitted a written determination finding no violation.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>4</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **28th** day of October, 2019.

/s/  
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Jacqueline A. Nicolas  
Administrative Hearing Officer

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<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Wen Jian Corporation,

Respondent.

**Labor Case No. 19-035**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS'[sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to the Department's Enforcement, Compliance, and Monitoring

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> "A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job." 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

Section (“Enforcement”) for investigation.<sup>4</sup> Subsequently, Respondent filed an untimely written answer stating that Complainant did not complete the interview, therefore was not hired.

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

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<sup>4</sup> A determination of the investigation is pending.

<sup>5</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **29th** day of October, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In the Matter of:

Zaji O. Zajradhara,

Complainant,

v.

Shangrui Investment Development Co.,

Respondent.

Labor Case No. 19-036

ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS

I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also* *Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

matter was referred to the Department's Enforcement, Compliance, and Monitoring Section ("Enforcement") for investigation.<sup>4</sup>

On October 28, 2019, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss "any and all" cases, Complainant's motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant's failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant's Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **29th** day of October, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer

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<sup>4</sup> A determination of the investigation is pending.

<sup>5</sup> A litigant's allegations challenging the court's rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, "the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant's allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant's allegations of discrimination and bias are false mischaracterizations of this Office's proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant's present motion.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Jin Joo Corporation,

Respondent.

**Labor Case No. 19-037**

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

## I. INTRODUCTION

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

ORIGINAL

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to the Department's Enforcement, Compliance, and Monitoring Section ("Enforcement") for investigation.<sup>4</sup> On October 28, 2019, Complainant filed the

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> "A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job." 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

<sup>4</sup> A determination of the investigation is pending.

present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>5</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **29th** day of October, 2019.

/s/

Jacqueline A. Nicolas  
Administrative Hearing Officer

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<sup>5</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

**In the Matter of:**

Zaji O. Zajradhara,

Complainant,

v.

Asia Pacific,

Respondent.

Labor Case No. 19-040

**ORDER GRANTING  
COMPLAINANT'S MOTION  
TO DISMISS**

**I. INTRODUCTION**

This matter came before the Administrative Hearing Office pursuant to Complainant's Laymans' Motion to Dismiss All Pending Cases ("Complainant's Motion to Dismiss").<sup>1</sup> The undersigned finds that the Motion may be decided on the applicable law and arguments, without an additional hearing. For the reasons stated below, Complainant's Motion to Dismiss is hereby **GRANTED**.

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<sup>1</sup> The full caption or title of Complainant's Motion reads: "LAYMANS' [sic] MOTION TO DISMISS ALL PENDING CASES, DUE TO ECONOMIC HARDSHIP, POSSIBLE TERMINATION FROM PRESENT EMPLOYER AND OVERT DISCRIMINATION AND BIAS BY THE CNMI DEPT OF LABOR INVESTIGATION SECTION AND DIRECTLY FROM THE HEARING OFFICE JACQUELINE NICOLAS. THIS LAYMANS' [sic] MOTION SHALL COVER [CASES] MENTIONED ABOVE, AND OR ANY THAT I HAVE FORGOTTEN THAT ARE SCHEDULED TENTATIVELY OR OTHERWISE FOR THE YEAR 2019-2020."

ORIGINAL

## II. DISCUSSION

Generally, motion filings under the Administrative Hearing Office are governed by NMIAC § 80-20.1-470(e).<sup>2</sup> While the regulations limit the permissible motions to be filed at the Administrative Hearing Office, a party may file a motion to dismiss on the following grounds: (1) lack of subject matter jurisdiction; (2) Lack of personal jurisdiction; (3) insufficiency of process; (4) insufficiency of service of process; (5) failure to state a claim upon which relief can be granted. NMIAC § 80-20.2-130(c)(1). Further, cases may be dismissed when a Complainant wishes to withdraw or abandon the claims and allegations in a complaint. *See* NMIAC §80-20.1-485(b); *see also Zajradhara v. Black Construction*, LC-18-057 (Administrative Order Dismissing Case) (March 7, 2019 at 1).

In this matter, Complainant filed a complaint against Respondent alleging a violation of the CNMI employment preference statute.<sup>3</sup> Pursuant to NMIAC § 80-20.1-470(a), the matter was referred to the Department's Enforcement, Compliance, and Monitoring Section ("Enforcement") for investigation. Subsequently, Respondent filed a written

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<sup>2</sup> Thereunder,

[a]n application for an order or any other request may be made by motion. The hearing officer may allow oral motions or require motions to be made in writing. The hearing officer may allow oral argument or written briefs in support of motions. Within ten days after a written motion is served, or within such other period as a hearing officer may fix, any party to the proceeding may file and serve a response in opposition of the motion. Within three days after an opposition brief is served, the moving party may file and serve a reply to the opposition.

NMIAC § 80-20.1-470 (e). Here, it is unclear whether Complainant served the Respondent with the present motion as no proof of service was provided by Complainant.

<sup>3</sup> "A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job." 3 CMC § 4528(a). A complainant has the burden to prove the elements of his or her claim. In order to prevail on a claim for damages under the employment preference statute, a complainant must prove all four elements of the statute: (1) that he/she was qualified for the job; (2) that his job application was rejected by the respondent/employer without just cause; (3) the respondent/employer then hired a foreign national worker for that positions and; (4) the respondent/employer failed to meet the 30% workforce objective requirement. *Zajradhara v. Woo Jung Corp.*, LC-18-059 (Administrative Order) (May 16, 2019 at ¶18).

answer requesting dismissal of the action because no foreign workers were hired during the relevant time period.

Before Enforcement could issue its written determination, Complainant filed the present motion to dismiss. While Complainant repeats the previously rejected arguments of bias and discrimination and continues to mischaracterize many of the proceedings and decisions of this Office,<sup>4</sup> Complainant clearly demonstrates, among other things, that he no longer wishes to pursue any of his pending cases at the Administrative Hearing Office. Specifically, the caption states that Complainant wishes to dismiss “any and all” cases, Complainant’s motion states he is pursuing federal claims against the various respondents, and Complainant submitted an affidavit from his employer to support the fact that Complainant wishes to prioritize his current job over litigating cases at the Administrative Hearing Office. For those reasons, as well as Complainant’s failure to show to various scheduled hearings, the undersigned finds that Complainant no longer wishes to pursue his claims at the Administrative Hearing Office and dismissal is appropriate.

### III. CONCLUSION

Accordingly, Complainant’s Motion to Dismiss is hereby **GRANTED**. Any pending deadlines and hearings scheduled in this matter are hereby **VACATED**.

So ordered this **14th** day of November, 2019.

/s/  
\_\_\_\_\_  
Jacqueline A. Nicolas  
Administrative Hearing Officer

<sup>4</sup> A litigant’s allegations challenging the court’s rulings as unfair or wrongly decided cannot form the basis of a proper motion to disqualify a judge for prejudice or bias. *Saipan Lau Lau Development, Inc. v. Superior Court (San Nicholas)*, 2000 MP 12 ¶ 7. Further, the Commonwealth Supreme Court recognized that, “the mere exercise of [ ] authority, without more, does not in and of itself demonstrate bias. *Id.* at 9. Further, judicial decisions, alone, do not generally raise an appearance of bias or constitute a basis for recusal. *Bank of Saipan v. Superior Court (Disqualification of Castro)*, 2002 MP 16 ¶ 36-39. Accordingly, as stated by the Commonwealth Supreme Court, the Complainant’s allegations regarding prior rulings and decisions cannot form the proper basis for recusal. For the record, the undersigned maintains that Complainant’s allegations of discrimination and bias are false mischaracterizations of this Office’s proceedings and decisions. To be clear, said arguments do not form the basis to grant Complainant’s present motion.