

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

JOHN COOLEY,

ARB CASE NO. 2025-0005

COMPLAINANT,

ALJ CASE NO. 2024-SOX-00037

ALJ HEATHER C. LESLIE

v.

DATE: December 19, 2024

**MISA IMPORTS INC. and COSTCO
WHOLESALE CORP.,**

RESPONDENTS.

**Before WARREN, Acting Chief Administrative Appeals Judge, and
THOMPSON, Administrative Appeals Judge**

DECISION AND ORDER DISMISSING PETITION FOR REVIEW

PER CURIAM:

This case arises under the employee protection provisions of the Anti-Money Laundering Act¹ and Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act (SOX), as amended, and its implementing regulations.² On September 26, 2024, Administrative Law Judge Heather C. Leslie (ALJ) issued an Order Granting Respondents' Motion to Dismiss, in which she dismissed Complainant John Cooley's complaint against Respondents MISA Imports Inc. and Costco Wholesale Corp. Complainant timely filed exceptions to the ALJ's order with the Administrative Review Board (the Board).

¹ 31 U.S.C. §§ 5323(g), (j).

² 18 U.S.C. § 1514A, as implemented by 29 C.F.R. Part 1980 (2024).

On October 17, 2024, the Board issued a Notice of Appeal Acceptance, Electronic Filing Requirements, and Briefing Order (Briefing Order). Complainant was ordered to file his Opening Brief within twenty-eight (28) days of the date of issuance of the Briefing Order (on or before November 14, 2024). On November 19, 2024, Respondent filed a Response Brief and raised the issue of Complainant's failure to timely file an opening brief.³

Consequently, on November 27, 2024, the Board issued an Order to Show Cause ordering Complainant to explain why the Board should not dismiss the appeal for failing to timely file an opening brief.⁴ The Board cautioned Complainant that if the Board did not receive a response and opening brief within ten business days of the order, the Board may dismiss the appeal without further notice.⁵ Nevertheless, Complainant did not file a response or an opening brief as ordered.

The Board has the inherent power to dismiss a case for failure to prosecute in an effort to control its docket and to promote the efficient disposition of its cases.⁶ Pursuant to this authority, the Board may dismiss an appeal in a case in which the petitioner fails to comply, and fails to explain their noncompliance, with the Board's orders, including the briefing schedule.⁷

Complainant failed to file an opening brief as ordered by the Board. The Board gave Complainant the opportunity to explain why an opening brief was not filed, and explicitly warned that failure to do so could result in dismissal of the appeal. Complainant failed to file a response. Given Complainant's failure to respond to, and comply with, the Board's orders, we **DISMISS** the appeal.⁸

³ Respondent's Response Brief at 8-9.

⁴ Order to Show Cause.

⁵ *Id.*

⁶ *Knibb v. N.J. Transit Rail Ops., Inc.*, ARB No. 2023-0011, ALJ No. 2020-FRS-00078, slip op. at 4 (ARB Feb. 3, 2023) (citation omitted).

⁷ *Id.*; see also *Andreski v. U.S. Marshals Serv.*, ARB No. 2024-0015, ALJ No. 2023-CAR-00002 (ARB April 22, 2024).

⁸ In any appeal of this Decision and Order that may be filed, we note that the appropriately named party is the Secretary, Department of Labor, not the Administrative Review Board.

SO ORDERED.

A handwritten signature in cursive script that reads "Ivey Warren". The signature is written in black ink and is positioned above a horizontal line.

IVEY S. WARREN
Acting Chief Administrative Appeals Judge

A handwritten signature in cursive script that reads "Angela Thompson". The signature is written in black ink and is positioned above a horizontal line.

ANGELA W. THOMPSON
Administrative Appeals Judge