

U.S. Department of Labor

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



IN THE MATTER OF:

ERIC JOHNSON,

ARB CASE NO. 2024-0056

COMPLAINANT,

ALJ CASE NO. 2024-STA-00019

ALJ LYSTRA A. HARRIS

v.

DATE: September 27, 2024

SHAMROCK TRUCKING,

RESPONDENT.

**Before HARTHILL, Chief Administrative Appeals Judge, and WARREN,
Administrative Appeals Judge**

DECISION AND ORDER DISMISSING PETITION FOR REVIEW

PER CURIAM:

This case arises under the Surface Transportation Assistance Act of 1982 (STAA), as amended, and its implementing regulations.¹ On July 29, 2024, Complainant Eric Johnson filed a Petition for Review with the Administrative Review Board (Board) of Administrative Law Judge Lystra A. Harris's Decision and Order Dismissing Complaint, issued on July 12, 2024. The Board issued a Notice of Appeal and Order Establishing Briefing Schedule (Briefing Order) on August 5, 2024. The Briefing Order required Complainant to file an opening brief by September 2, 2024 (28 calendar days from the Board's briefing order). Complainant did not file an opening brief as ordered.

Consequently, on September 10, 2024, the Board issued an Order to Show Cause requiring Complainant to show cause why the Board should not dismiss his appeal due to his failure to file an opening brief. The Board ordered Complainant to file his response to the Order to Show Cause, as well as a copy of his opening brief, by September 24, 2024 (10 business days from the Board's Order to Show Cause). The Board cautioned Complainant that "[i]f the Board does not receive

¹ 49 U.S.C. § 31105(a); 29 C.F.R. Part 1978 (2024).

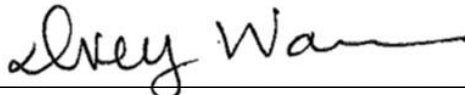
Complainant's response to this Order and Opening Brief within ten (10) business days of the issuance of this Order, the Board may dismiss the appeal without further notice to the parties." Nevertheless, Complainant did not file a response or an opening brief as ordered.

The Board has the inherent "authority to effectively manage its docket" to "achieve orderly and expeditious disposition of cases."² Pursuant to this authority, the Board "may dismiss a complaint in a case in which the complainant failed to comply with the Board's orders."³ Complainant failed to file an opening brief as ordered by the Board. The Board then gave Complainant the opportunity to explain why he had failed to file his opening brief, and explicitly warned him that failure to do so could result in dismissal of his appeal. Again, Complainant did not file a response. Given Complainant's failure to respond to, and comply with, the Board's orders, we **DISMISS** Complainant's appeal.

SO ORDERED.



SUSAN HARTHILL
Chief Administrative Appeals Judge



IVEY S. WARREN
Administrative Appeals Judge

² *Collins v. Next Marketing, Inc.*, ARB No. 2023-0057, ALJ No 2023-STA-00003, slip op. at (ARB Oct. 24, 2023) (citation omitted).

³ *Id.* (citations omitted).