



IN THE MATTER OF:

QUENTIN LA GRANDE,

ARB CASE NO. 2022-0025

COMPLAINANT,

ALJ CASE NO. 2022-WPC-00001

v.

DATE: April 20, 2022

OWENS CORNING,

RESPONDENT.

**Appearances:**

*For the Complainant:*

Quentin La Grande; *pro se*; Albany, New York

*For the Respondent:*

Taren Greenidge, Esq.; *Constangy Brooks, Smith & Prophete, LLP*;  
Penfield, New York

Before: James D. McGinley, *Chief Administrative Appeals Judge* and  
Thomas H. Burrell, *Administrative Appeals Judge*

### ORDER DENYING MOTION FOR RECONSIDERATION

PER CURIAM. This matter arises under the employee protection provisions of the Solid Waste Disposal Act (SWDA)<sup>1</sup> and the Federal Water Pollution Control Act

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<sup>1</sup> 42 U.S.C. § 6971 (1980).

(FWPCA),<sup>2</sup> and their implementing regulations.<sup>3</sup> On June 7, 2021, Quentin La Grande (Complainant) filed a Complaint with the Occupational Safety and Health Administration (OSHA), which alleged that Owens Corning (Respondent) retaliated against Complainant in violation of the employee protection provisions of the SWDA and the FWPCA. On October 8, 2021, OSHA dismissed the Complaint (OSHA Ruling), and on October 19, 2021, Complainant filed an appeal with the Office of Administrative Law Judges (OALJ).

On December 3, 2021, Complainant advised the Administrative Law Judge (ALJ) that he wished to withdraw his appeal of the OSHA ruling because the parties had reached a mutual settlement agreement. On December 6, 2021, the ALJ dismissed the case, issuing an Order Approving Complainant's Withdrawal of Objections (Dismissal Order). On December 13, 2021, Complainant requested the ALJ vacate the Dismissal Order because Complainant had changed his mind and wanted his appeal to be considered. On February 9, 2022, the ALJ issued an Order Denying Complainant's Request to Vacate Order Approving Withdrawal of Objections. On April 12, 2022, we affirmed the ALJ's rulings because the ALJ had properly dismissed Complainant's case in response to Complainant's voluntary request that the ALJ dismiss his case.<sup>4</sup>

On April 14, 2022, Complainant filed a Motion for Reconsideration of the Administrative Review Board's (ARB) Decision and Order. For the following reasons, we deny Complainant's Motion for Reconsideration.

## DISCUSSION

The ARB is authorized to reconsider a decision upon receiving a motion for reconsideration within a reasonable time of the date of which the decision was issued.<sup>5</sup> We will reconsider our decisions under limited circumstances, which include:

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<sup>2</sup> 33 U.S.C. § 1367 (1972).

<sup>3</sup> 29 C.F.R. Part 24 (2021).

<sup>4</sup> *La Grande v. Corning*, ARB No. 2022-0025, ALJ No. 2022-WPC-00001, slip op. at 4 (ARB Apr. 12, 2022).

<sup>5</sup> *Henin v. Soo Line R.R. Co.*, ARB No. 2019-0028, ALJ No. 2017-FRS-00011, slip op. at 3 (ARB Mar. 22, 2019) (citations omitted).

(i) material differences in fact or law from that presented to [the] court of which the moving party could not have known through reasonable diligence, (ii) new material facts that occurred after the court's decision, (iii) a change in the law after the court's decision, and (iv) failure to consider material facts presented to [the] Court before its decision.<sup>6</sup>

Here, Complainant has failed to demonstrate a ground upon which the Board will grant reconsideration. Complainant has not presented any new evidence or a change in controlling law. Instead, Complainant requests the ability to proceed with his case before a new panel because the current panel was "not fair and objective in [its] ruling." However, Complainant has not explained how the Board's ruling was not fair or objective.

Complainant's arguments do not fall within any of the four limited circumstances under which we will reconsider our decisions. Accordingly, we **DENY** the Complainant's Motion for Reconsideration.<sup>7</sup>

**SO ORDERED.**<sup>8</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> In addition, to the extent Complainant requests a hearing before an ALJ, the Board denies the request.

<sup>8</sup> Complainant may petition for review of the Board's Decision. *See* Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board (Secretarial review)), 85 Fed. Reg. 13186, 13188 at (6)(b)(1) (Mar. 6, 2020); *see also* 29 C.F.R. § 24.112 (Judicial review). In any appeal of this Decision and Order that may be filed with the Courts of Appeals, we note that the appropriately named party is the Secretary, Department of Labor (not the Administrative Review Board).