



In the Matter of:

MARY ANN ELLIS,

ARB CASE NO. 2021-0005

COMPLAINANT,

ALJ CASE NO. 2019-FDA-00006

v.

DATE: October 26, 2021

GOODHEART SPECIALTY MEATS,

RESPONDENT.

Appearances:

For the Complainant:

Mary Ann Ellis; *pro se*; San Antonio, Texas

For the Respondent:

**Frank Davis, Esq.; *Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*;
Dallas, Texas**

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

**ORDER DENYING COMPLAINANT'S
SECOND MOTION FOR RECONSIDERATION**

PER CURIAM. This case arises under the Food Safety Modernization Act (FSMA).¹ On July 19, 2021, the Administrative Review Board (ARB or Board) dismissed this case on the grounds that Mary Ann Ellis (Complainant) failed to provide any grounds to upset the ALJ's Amended Order Granting Respondent's Motion for Summary Decision.

¹ 21 U.S.C. § 399d (2016), as implemented by federal regulations at 29 C.F.R. § 1987 (2021).

On July 27, 2021, Complainant requested the Board to reconsider our decision. On September 9, 2021, the Board denied Complainant's Motion for Reconsideration because none of Complainant's arguments for reconsideration fell within the limited circumstances for reconsideration.²

On October 12, 2021, Complaint filed a Second Motion for Reconsideration, which raises similar arguments to Complainant's First Motion for Reconsideration. However, the Board has already considered these arguments and they still do not meet the standard for reconsideration cited in the Board's Order dated September 9, 2021.³ Thus, Complainant's Second Motion for Reconsideration fails to demonstrate a ground upon which the Board will grant reconsideration.

Accordingly, we **DENY** Complainant's Second Motion for Reconsideration. The Board will not consider any additional motions for reconsideration.⁴

SO ORDERED.

² *Ellis v. Goodheart Specialty Meats*, ARB No. 2021-0005, ALJ No. 2019-FDA-00006, slip op. at 2-3 (ARB Sep. 9, 2021) (per curiam) (Order Denying Motion for Reconsideration).

³ *Gupta v. Headstrong, Inc.*, ARB Nos. 2015-0032, -0033, ALJ No. 2014-LCA-00008, slip op. at 2 (ARB Feb. 14, 2017) (Order Denying Motion for Reconsideration) (citation omitted).

⁴ Complainant may petition for review of the Board's Decision: "Within 60 days after the issuance of a final order ... for which judicial review is available, any person adversely affected or aggrieved by the order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation." 29 C.F.R. § 1987.112.