



In the Matter of:

WAYNE STOKES,

**ARB CASE NOS. 2022-0007
2022-0014**

COMPLAINANT,

**ALJ CASE NOS. 2020-STA-00080
2020-STA-00082**

v.

**ALBERTSONS LLC AND
DARRELL KIDD,**

DATE: December 2, 2021

RESPONDENT.

ORDER

By Order dated November 4, 2021, the Administrative Review Board (Board) issued the Notice of Briefing Schedule. On November 17, 2021, Complainant filed a motion requesting the Board to stay the briefing schedule pending the resolution of Administrative Law Judge Christopher Larsen's decision on the Motion for Reconsideration filed by Complainant. On November 22, 2021, the Board granted Complainant's Motion to Stay.

On November 30, 2021, the Board received a Petition for Review electronically filed by Complainant appealing Administrative Law Judge Christopher Lawson's November 21, 2021 Amended Decision and Order Denying Relief. The Board accepted Complainant's Petition for Review and the appeal was assigned ARB Case No. 2022-0014. However, the document should have been filed in the existing case, ARB No. 2022-0007, rather than as a second appeal. The Board hereby removes 2022-0014 from its docket. The November 30, 2021 Petition for Review and the ALJ's Amended Decision and Order Denying Relief will be associated with ARB Case No. 2022-0007.

If you are receiving this Order by email you **must** request electronic access through the EFS system in each appeal that you are **not** the petitioning party in order to receive any documents filed by the Board.

The use of the Board's Electronic File and Service (EFS) system is MANDATORY for all parties represented by counsel. The EFS for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFS portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before electronically filing any document.

E-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents. Information regarding registration for access to the EFSR system, as well as a step-by-step user guide and FAQs can be found at <https://efile.dol.gov>.

You are still ultimately responsible for service of all of your filings with the Board on the other parties to the case and for attaching a certificate of service to your filings. If the other parties are registered in the EFS system, then the filing of your document through EFS will constitute filing/service of your document on those registered parties. Non EFS-registered parties must be served using other means. Include a certificate of service showing how you completed service whether through the EFS system or otherwise.

If you are a party other than the party that has filed an appeal with the ARB, you may request access to the appeal by obtaining a login.gov account (if you do not already have one) and creating an EFS profile. Written directions and a video tutorial on how to request access to an appeal are located at <https://efile.dol.gov/support/boards/request-access-an-appeal>. If you experience difficulty establishing your account, you can find contact information for login.gov and EFS at <https://efile.dol.gov/contact>.

If you are a self-represented (pro se) party, you may mail or deliver paper copies (if e-Filing is not used) of pleadings, including briefs, appendices, motion, and other supporting documentation to: Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-5220, Washington, D.C., 20210.

The briefing schedule is as follows:

OPENING BRIEF: Within twenty-eight (28) days of the issuance of this Order, the petitioner must file with the Board a supporting legal brief of points and authorities.

RESPONSE BRIEF: The opposing party must file any response in opposition to the supporting legal brief with the Board within twenty-eight (28) calendar days from the date of service of the petitioner's principal legal brief.

REPLY BRIEF: Within fourteen (14) calendar days of the service of a legal brief in opposition to the petitioner's opening brief, the petitioner may file a reply brief.

ALL BRIEFS: No further briefs may be filed without the permission of the Board. Except as otherwise specified in this Order, the form of all briefs and other filings shall comply with Federal Rule of Appellate Procedure (FRAP) 32(a). The content of all briefs must comply to the extent practicable with FRAP 28.

OTHER FILINGS

The parties are advised that no appendix may be filed without permission of the Board. Any appendix must be efiled electronically unless good cause is shown by a pro se party why filing an electronic version is impossible or impracticable.

All motions and other requests for extraordinary action by the Board (including, but not limited to, requests for extensions of time or expansion of page limitations) shall be in the form of a motion appropriately captioned, titled, formatted and signed, consistent with FRAP 27(d).

OTHER MATTERS

All pleadings should include the ARB case number as it appears in this Order.

The Administrative Review Board encourages the parties to consider the alternative dispute resolution (ADR) program administered by the Office of Administrative Law Judges (OALJ). The OALJ offers two types of court-sponsored alternative dispute resolution: settlement judges and mediation services. If all parties agree to use the OALJ ADR program, they should jointly notify the Board of their intention, and the Chair of the Board will refer the matter to the Chief Administrative Law Judge for the limited purpose of appointing a mediator or settlement judge (other than a judge previously involved in the case). Unless the Chief Administrative Law Judge directs otherwise, settlement discussions must be

completed within 56 days of the date of referral or the case will be automatically returned to the Board for the issuance of a new briefing schedule on the original grant of the petition for review. If the matter is settled, any agreement or consent findings will be reviewed and approved by the Board.

FOR THE ADMINISTRATIVE REVIEW BOARD



Aubrey Gordon
General Counsel

Note: Questions regarding any case pending before the Board should be directed to the Board's staff. Telephone: (202) 693-6200, Facsimile: (202) 693-6220