



In the Matter of:

COLEEN L. POWERS,

ARB CASE NO. 04-083

COMPLAINANT,

ALJ CASE NO. 2004-AIR-19

v.

DATE: July 30, 2004

**PAPER, ALLIED-INDUSTRIAL,
CHEMICAL & ENERGY
WORKERS INT'L UNION,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL DECISION AND ORDER OF DISMISSAL

This case arises under the whistleblower protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), 49 U.S.C.A. § 42121 (West 1997), and its implementing regulations at 29 C.F.R. Part 1979 (2003). On April 14, 2004, the Administrative Law Judge (ALJ) issued an order requiring the Complainant to show cause why the ALJ should not dismiss her claims arising under AIR 21, the Sarbanes-Oxley Act, and four environmental acts. On April 18, 2004, the Complainant filed with the Administrative Review Board (ARB) a "Motion for Expedited Extraordinary Appeal of ALJ Order Dated April 14, 2004, ALJ Case: 2004-AIR-19; & Motion for Consolidation," seeking interlocutory review of the ALJ's show-cause order. The ARB has jurisdiction to review ALJ decisions and issue final orders in AIR 21 cases pursuant to 29 C.F.R. § 1979.110 and Secretary's Order 1-2002, 67 Fed. Reg. 64,272 (Oct. 17, 2002).

Subsequent to the Complainant's filing of her petition for review, on May 7, 2004, the ALJ dismissed case no. 2004-AIR-19 because the Complainant failed to state a claim on which relief could be granted. The Complainant has appealed the ALJ's dismissal to the Board pursuant to 29 C.F.R. § 1979.110, and the Board has assigned this

pending appeal ARB No. 04-111. The ALJ's dismissal of No. 2004-AIR-19 and the Complainant's subsequent appeal of that dismissal to the Board has rendered this interlocutory appeal moot. Therefore, ARB No. 04-083 is **DISMISSED**.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge