



In the Matter of:

CRAIG S. FRIDAY,

ARB CASE NO. 04-124

COMPLAINANT,

**ALJ CASE NO. 2004-AIR-016
2004-AIR-017**

v.

DATE: February 28, 2008

NORTHWEST AIRLINES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Craig Friday, *pro se*, Auburn, Washington

For the Respondent:

Timothy R. Thornton, Esq., *Briggs and Morgan, P.A.*, Minneapolis, Minnesota

ORDER DENYING RECONSIDERATION

On September 28, 2007, the Administrative Review Board (Board) issued a Final Decision and Order dismissing Craig S. Friday's complaints alleging that Northwest Airlines, Inc. violated the employee protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21).¹ We held that Friday's claims under AIR 21 had been discharged in Northwest's bankruptcy case. On October 25, 2007, Friday submitted a letter requesting that we reconsider our decision.

¹ 49 U.S.C.A. § 42121(a) (West Supp. 2006).

The Board is authorized to reconsider earlier decisions.² We have adopted principles that federal courts employ in deciding requests for reconsideration. We will reconsider our decisions under similar limited circumstances, which include: (i) material differences in fact or law from that presented to a 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.³

Friday contends that we should reconsider our decision because the Bankruptcy Court did not "dismiss" his claims; therefore they survived the bankruptcy and can be further litigated in the Department of Labor. Furthermore, he argues that reconsideration is warranted because he was not seeking monetary damages, thus his claim was not dischargeable in bankruptcy.

But Friday's arguments do not fall within any of the four limited circumstances under which we will reconsider our decisions. Therefore, we **DENY** Friday's motion.

SO ORDERED.

OLIVER M. TRANSUE
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

² See *Knox v. U.S. Dep't of Interior*, ARB No. 03-040, ALJ No. 2001-CAA-003 (Oct. 24, 2005).

³ See, e.g., *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995); *Virgin Atl. Airways, Ltd. v. National Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992); *Weinstock v. Wilk*, 2004 WL 367618, at *1 (D. Conn. Feb. 25, 2004); *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 582-586 (D. Ariz. 2003).