



In the Matter of:

CHARLES SHI,

ARB CASE NO. 2017-0072

COMPLAINANT,

ALJ CASE NO. 2016-AIR-00020

v.

DATE: March 13, 2020

MOOG INC., AIRCRAFT GROUP,

RESPONDENT.

Appearances:

*For the Complainant:*

Charles Shi; *pro se*; Shanghai, China

*For the Respondent:*

Robert J. Lane, Jr., Esq. and Jessica L. Copeland, Esq.; *Hodgson Russ, LLP*; Buffalo, New York

Before: Thomas H. Burrell, *Acting Chief Administrative Appeals Judge*,  
James A. Haynes and Heather C. Leslie, *Administrative Appeals Judges*.

### ORDER DENYING REQUEST

PER CURIAM. The Complainant, Charles Shi, filed a retaliation complaint under the employee protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21 or Act)<sup>1</sup> with the Department of Labor's Occupational Safety and Health Administration (OSHA). Complainant alleged that his employer, a Chinese subsidiary of Respondent Moog Inc., terminated his

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<sup>1</sup> 49 U.S.C. § 42121 (2000). AIR 21's implementing regulations are found at 29 C.F.R. Part 1979 (2019).

employment in retaliation for making safety-related complaints. An Administrative Law Judge (ALJ) dismissed Complainant's complaint for lack of jurisdiction because adjudication of Complainant's complaint would require impermissible extraterritorial reach. Complainant appealed. Applying *Morrison v. Nat'l Australia Bank, Ltd.*, 561 U.S. 247 (2010), we affirmed, concluding that Congress did not intend for AIR 21 to apply extraterritorially and that Complainant's case did not represent a domestic application of AIR 21. On January 15, 2020, Complainant requested reconsideration of our decision. On February 27, 2020, we denied reconsideration because we concluded that none of the factors supporting reconsideration were satisfied.

On March 9, 2020, Complainant filed a letter with the Board titled "Letter to ARB Judges requesting answers or explanation." In this letter he takes issue with our decisions in this matter. For the reasons stated in our Order Denying Reconsideration we deny Complainant's request for answers or explanation in his February 27 letter.

Complainant may appeal our decision by filing a timely petition pursuant to 29 C.F.R. §1979.112 (Judicial review).

## **CONCLUSION**

Accordingly, Complainant's request in the letter he filed with the Board is **DENIED**.

**SO ORDERED.**