



In the Matter of:

CARL SEURING,

ARB CASE NO. 2019-0082

COMPLAINANT,

ALJ CASE NO. 2018-AIR-00033

DATE: OCT 30 2019

v.

DELTA AIRLINES, INC,

RESPONDENT.

ORDER DISMISSING COMPLAINANT'S PETITION FOR REVIEW

On August 23, 2019, an Administrative Law Judge (ALJ) denied the discrimination complaint filed by Mr. Carl Seuring (Complainant) under the provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. In the Decision and Order denying the complaint, the ALJ informed Complainant that any petition for review must specifically identify the findings, conclusions, or orders to which Complainant was objecting. On September 5, 2019, Complainant filed with the Administrative Review Board (Board) a document styled "Petition to Review" in which he asked for a 30-day extension of the time to file his actual review petition. The basis for the extension request was that Complainant was seeking new counsel for his appeal. Complainant did not specifically identify the findings, conclusions, or orders to which Complainant was objecting in this document. Over objection by Respondent, the Board granted Complainant's extension request and directed Complainant to file a petition for review that complied with 29 C.F.R. § 1979.110(a) no later than October 9, 2019. In granting the extension, the Board warned Complainant that if he failed to comply with the Board's Order by the date specified, the Board would dismiss his petition for review. Complainant did not comply with the order of the Board, although he did mail a document styled "Amended Petition for Review" on or after October 10, 2019, the day after the specified deadline. On October 17, 2019, Respondent requested that Complainant's petition for review be dismissed as untimely, especially in light of the prior warnings regarding the consequences of untimely filing.

The Board is not insensitive to the fact that Complainant is self-represented and is seeking counsel. However, the Board previously warned Complainant of the consequences of untimely filing, and Complainant has offered no explanation for the tardy submission other than his ongoing search for representation. Moreover, in the cover letter accompanying his Amended Petition for Review dated October 10, 2019, Complainant asserted that he was "close to retaining counsel but will not be able to do so until early next week." Eighteen days have elapsed since that assertion without the filing of any notice of appearance by counsel for Complainant or further explanation as to the status of the search for representation. Under these circumstances, further delay is not in the interests of justice.

Accordingly, the Board declines to accept Complainant's Amended Petition for Review as it was untimely filed, and his original Petition for Review is hereby **DENIED** for non-compliance with 29 C.F.R. § 1979.110(a) as noted above. As such, the decision of the ALJ denying the complaint in this matter is the final order of the Secretary of Labor.

FOR THE ADMINISTRATIVE REVIEW BOARD:



William T. Barto
Chief Administrative Appeals Judge

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.