



In the Matter of:

MOHAMMAD EBDAH,

ARB CASE NO. 16-011

COMPLAINANT,

ALJ CASE NO. 2015-CPS-002

v.

DATE: February 3, 2016

GLOBAL FOUNDARIES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER DISMISSING APPEAL

On October 29, 2015, Complainant Mohammad Ebdah filed a Notice of Appeal with the Administrative Review Board in this case arising under the whistleblower protection provisions of the Consumer Product Safety Improvement Act, 15 U.S.C.A. § 2087 (Thomson Reuters Supp. 2015).¹ In response, the Board issued a Notice of Appeal and Order Establishing Briefing Schedule. According to the Board's briefing schedule Ebdah's opening brief was due on November 30, 2015. Ebdah requested a thirty-day enlargement of time to file his brief. The Board granted this motion.

On December 15, 2015, Ebdah filed a second request for enlargement of time. In his motion he stated that he did not give permission for the Board to share the basis of the enlargement of time with Respondent. The motion contained no certificate of service demonstrating that Ebdah had served the motion on Respondent and its counsel. Accordingly, on December 17, 2015, the Board issued an order denying Complainant's motion for an extension of time to file his opening brief because he had not served the motion on Respondent, and he indicated his refusal to inform Respondent of the basis for his request.

¹ 29 C.F.R. § 1983.110.

Ebdah requested the Board to reconsider its denial of his motion for enlargement of time. But because he remained adamantly opposed to serving Respondent with his motion and the Board may not consider ex parte requests from parties, we could not reconsider our decision. Therefore, in an order dated January 8, 2016, we denied Complainant's request for reconsideration. Further, as Ebdah failed to file an opening brief as directed in the Board's Notice of Appeal and Order Establishing Briefing Schedule issued on November 3, 2015, we ordered him to Show Cause why the Board should not dismiss his appeal for failing to comply with the Board's Briefing Schedule. We cautioned Ebdah that if he failed to file a response to the Board's Order on or before January 18, 2016, the Board could dismiss his appeal without further order.

Ebdah failed to respond to the Board's Show Cause Order. He has failed to demonstrate why the Board should not dismiss his appeal for failing to comply with the Board's Briefing Schedule. Accordingly, as provided in the Board's Show Cause Order, Ebdah's appeal is **DISMISSED**.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel