



In the Matter of:

SYED M. A. HASAN,

ARB CASE NO. 04-045

COMPLAINANT,

ALJ CASE NO. 2003-ERA-031

v.

DATE: January 13, 2010

ENERCON SERVICES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Syed M. A. Hasan, *pro se*, Madison, Alabama

For the Respondent:

Terry M. Kollmorgen, Esq., James E. Maupin, Esq, *Moyers, Martin, Santee & Imel, LLP*, Tulsa, Oklahoma

ORDER DENYING RECONSIDERATION

Syed M.A. Hasan filed a complaint with the Department of Labor alleging that Enercon Services, Inc. violated the employee protection provision of the Energy Reorganization Act (ERA), 42 U.S.C.A. § 5851 (West 2003), when it refused to hire him for employment. Enercon filed a motion for summary judgment, requesting dismissal of the complaint, which we granted in a Final Decision and Order (F. D. & O.) issued on May 18, 2005.

On November 4, 2009, Hasan filed an “Emergency Motion for Immediate Reconsideration (Emergency Motion for Immediate Relief), for ALJ Case No. 2003-

ERA-31, ARB Case No. 04-045” (Motion for Reconsideration). Hasan asks the Board to reconsider its ruling on his complaint.

A motion for reconsideration must be filed within a “reasonable time.”¹ In applying this requirement, “[t]he Board and its predecessors have presumed a petition timely when the petition was filed within a short time after the decision . . . [and] also have granted reconsideration where a petition, though filed after a longer period, raised Rule 60(b)-type grounds or showed ‘good cause’ for the delay.”²

Hasan filed his Motion for Reconsideration more than four years after the Board issued its F. D. & O. This does not constitute a “short” time, and Hasan has not presented any rationale that would justify reconsideration of our ruling after the passage of four years. Accordingly, his Motion for Reconsideration is **DENIED**.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge

¹ *Henrich v. Ecolab, Inc.*, ARB No. 05-030, ALJ No. 2004-SOX-051, slip op. at 11 (ARB May 30, 2007).

² *Id.*, slip op. at 15. Rule 60(b) of the Federal Rules of Civil Procedure describes grounds for relief from a final judgment, including “mistake, inadvertence, surprise, or excusable neglect.”