



IN THE MATTER OF:

JOSEPH KENNEDY,

ARB CASE NO. 16-002

COMPLAINANT,

ALJ CASE NO. 2015-FDA-002

v.

DATE: March 22, 2016

STERICYCLE, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DISMISSING APPEAL FOR FAILURE TO SHOW CAUSE

On October 9, 2015, the Administrative Review Board issued a Notice of Appeal and Order Establishing Briefing Schedule in this case. Under the terms of the Order, Complainant's opening brief was due on or before October 23, 2015. The Board cautioned Complainant that if he failed to timely file his opening brief, the Board could dismiss his petition for review or impose other sanctions.

Complainant did not file an opening brief as ordered. The Board's authority to effectively manage its docket, including authority to require compliance with Board briefing orders, is necessary to "achieve orderly and expeditious disposition of cases."¹ This Board has authority to issue sanctions, including dismissal, for a party's failure to comply with the Board's orders and briefing requirements.²

¹ *Link v. Wabash*, 370 U.S. 626, 630-31 (1962).

² *Jessen v. BNSF Railway Co.*, ARB No. 12-107, ALJ No. 2010-FRS-022 (ARB July 26, 2013). *See also Ellison v. Washington Demilitarization Co.*, ARB No. 08-119, ALJ No. 2005-CAA-009 (ARB Mar. 16, 2009), *aff'd sub nom. Ellison v. U.S. Dep't of Labor*, 09-13054 (11th Cir. June 17, 2010).

Accordingly, we ordered Complainant to show cause no later than February 1, 2016, why we should not dismiss his appeal. The Board cautioned Complainant that if it did not receive his response to this order on or before February 1, 2016, the Board could dismiss the appeal without further notice to the parties.

Complainant did not respond to the Order to Show Cause and has failed to file an opening brief. Accordingly, because Complainant has failed to respond to the Board's show cause order and, therefore, has failed to show cause why the Board should not dismiss his appeal because of his failure to file an opening brief as ordered by the Board, Complainant's appeal is **DISMISSED**.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

**NOTE: Questions regarding any case pending before the Board should be directed to
the Board's Paralegal Specialists: Telephone: (202) 693-6200
Facsimile: (202) 693-6220**