



In the Matter of:

ARVIND GUPTA,

**PETITIONER/
CROSS-RESPONDENT,**

v.

HEADSTRONG, INC.,

**RESPONDENT/
CROSS-PETITIONER.**

**ARB CASE NOS. 15-032
15-033**

ALJ CASE NO. 2014-LCA-008

DATE: February 14, 2017

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Petitioner/Cross-Respondent:

Arvind Gupta, *pro se*, Mumbai, India

For the Respondent/Cross-Petitioner:

Dana G. Weisbrod, Esq.; *Jackson Lewis, P.C.*; New York, New York; Forrest G. Read, IV, Esq.; and Michael H. Neifach, Esq.; *Jackson Lewis, P.C.*, Reston, Virginia

BEFORE: Paul M. Igasaki, *Chief Administrative Appeals Judge*; E. Cooper Brown, *Administrative Appeals Judge*; and Joanne Royce, *Administrative Appeals Judge*

ORDER DENYING MOTION FOR RECONSIDERATION

Arvind Gupta filed a complaint under the H-1B visa program provisions of the Immigration and Nationality Act, as amended, 8 U.S.C.A. §§ 1101(a)(15)(H)(i)(b), 1182(n)(2) (Thomson Reuters 2016) and the regulations at 20 C.F.R. Part 655, subparts H, I (2016). A Department of Labor Administrative Law Judge (ALJ) dismissed the case. Each party filed an

appeal with the Administrative Review Board (ARB or Board).¹ In a Decision and Order issued January 26, 2017, the Board affirmed the ALJ's decision and dismissed the case. The Board denied as moot Headstrong, Inc.'s cross-appeal. *Gupta v. Headstrong, Inc.*, ARB Nos. 15-032, -033, ALJ No. 2014-LCA-008 (ARB Jan. 26, 2017). On February 2, 2017, Gupta filed a motion requesting that the Board reconsider its dismissal of his appeal. Headstrong, Inc. has not filed a response.

The Board has previously identified four non-exclusive grounds for reconsidering a final decision and order. The grounds for reconsideration include, but are not limited to, whether the movant has demonstrated

(i) material differences in fact or law from that presented to [the Board] of which the moving party could not have known through reasonable diligence, (ii) new material facts that occurred after the [Board's] decision, (iii) a change in the law after the [Board's] decision, and (iv) failure to consider material facts presented to the [Board] before its decision.^[2]

Gupta's motion for reconsideration contains no argument as to any of these grounds or any other legally sufficient grounds to support his motion. Accordingly, the motion is **DENIED**.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge

¹ The Secretary of Labor has delegated to the Administrative Review Board authority to issue final agency decisions under the INA. Secretary's Order No. 02-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 77 Fed. Reg. 69,378 - 69,380 (Nov. 16, 2012).

² *Kirk v. Rooney Trucking*, ARB No. 14-035, ALJ No. 2013-STA-042, slip op. at 2 (ARB Mar. 24, 2016); *OFCCP v. Fla. Hosp. of Orlando*, ARB No.11-011, ALJ No. 2009-OFC-002, slip op. at 4, n.4 (ARB July 22, 2013) (Order Granting Motion for Reconsideration and Vacating Final Decision and Order Issued Oct. 19, 2012) (citation omitted).