



IN THE MATTER OF:

MARTIN MCCRAY,

ARB CASE NO. 16-050

COMPLAINANT,

ALJ CASE NO. 2011-STA-053

v.

DATE: August 4, 2016

**AUTOMOTIVE COMPONENT CARRIER,
LLC,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DISMISSING APPEAL

On March 25, 2016, 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 April 13, 2016. 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. Accordingly, on July 1, 2016, the Board issued an Order to Show Cause, requiring McCray to demonstrate why the Board should not dismiss his appeal for failure to file an opening brief. The Board warned McCray that failure to timely respond to the order could result in the dismissal of his appeal without further order. Nevertheless McCray failed to respond to the Board’s Order.

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

Accordingly, because McCray has failed to respond to the Board’s order to show cause why he failed to file an opening brief, we consider the appeal abandoned and dismiss his appeal.

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**

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).