**IN THE MATTER OF:**

**SHERVIS R. SMITH,**

**COMPLAINANT,**

**v.**

**KAREEM TRANSPORTATION,**

**and**

**SERPRO LOGISTICS,**

**RESPONDENTS.**

**ARB CASE NO. 18-021**

**ALJ CASE NO. 2017-STA-060**

**DATE: May 30, 2018**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

## ORDER DENYING MOTION FOR RECONSIDERATION

On February 21, 2018, the Administrative Review Board issued an Order Dismissing Appeal in this case arising under the whistleblower protection provisions of the Surface Transportation Assistance Act.[1] The Board ordered the case to be dismissed for two reasons: (1) because it was unclear from the documents that Complainant Smith filed with the Board, whether he intended to file a petition for review of an Administrative Law Judge's adverse decision in his case and (2) because Smith failed to respond to an Order to Show Cause ordering him to explain why the Board should accept his petition (if indeed he intended to file a petition), given that the documents filed were not filed within the limitations period for a timely appeal.

Smith contends that he filed a Motion for Reconsideration with the Board on February 25, 2018. The Board has no record of this filing and the copies of the documents Smith has provided, in an attempt to document this filing, contain no certificate of service showing service on the Board or Respondents.

[1] 49 U.S.C.A. § 31105 (Thomson Reuters 2016) (STAA).

In any event, after reviewing the documents provided to the Board, we find no basis for reconsidering our Order Dismissing Appeal. Smith has submitted documents that he contends show that he should have prevailed on the merits of his complaint. But the Board did not dismiss his complaint on its merits, so these documents do not support his request for reconsideration.

Smith has failed to address, much less explain, why the Board erred in dismissing his complaint because he failed to respond to the Order to Show Cause by demonstrating why the Board should accept his untimely filed petition for review. Accordingly we **DENY** Smith's Motion for Reconsideration.

**SO ORDERED.**

**JOANNE ROYCE**
**Administrative Appeals Judge**

**LEONARD J. HOWIE III**
**Administrative Appeals Judge**