



In the Matter of:

ALFRED BARR,

ARB CASE NO. 2018-0034

COMPLAINANT,

ALJ CASE NO. 2014-STA-00022

v.

DATE:

APR - 1 2019

CTL TRANSPORTATION, LLC,
COMCAR INDUSTRIES, INC.,

and

HIRERIGHT SOLUTIONS, INC.,

RESPONDENT.

Appearance:

For the Complainant:

Alfred Barr, *pro se*; Tampa, Florida

BEFORE THE ADMINISTRATIVE REVIEW BOARD:

ORDER DISMISSING INTERLOCUTORY APPEAL

On March 12, 2018, complainant filed a petition for review requesting that the Administrative Review Board (Board) review procedural orders of a Department of Labor Administrative Law Judge¹ on a complaint filed under the Surface Transportation Assistance Act of 1982 (STAA) and its implementing regulations.² On March 28, 2018, the Board issued an Order to Show Cause directing complainant to show cause why his appeal should not

¹ Orders were issued first by Administrative Law Judge Richard T. Stansell-Gamm and second by Chief Administrative Law Judge Stephen R. Henley (the ALJ after reassignment of the case on February 10, 2015).

² 49 U.S.C. § 31105 (2007); 29 C.F.R. Part 1978 (2017).

be dismissed as interlocutory and not subject to review.³ Complainant filed a response on April 23, 2018. The Respondent did not file a reply. Complainant subsequently filed status requests with the Board in June and August, 2018.

While complainant's request was pending before the Board, the Administrative Law Judge (ALJ) issued a Decision and Order Dismissing the Complaint (Feb. 25, 2019) on the merits of complainant's STAA complaint. As Complainant has not filed an appeal of the ALJ's decision within the time allowed, the ALJ's decision has become the final order of the Secretary of Labor by operation of law. 29 C.F.R. § 1978.110(a), (b). As such, the Board no longer has jurisdiction to act in this matter.

But even if jurisdiction was not extinguished by operation of law, the authority of the Board to review interlocutory rulings is limited to exceptional circumstances and when such review is not prohibited by statute.⁴ Notwithstanding, Complainant does not raise any exceptional circumstances such as dispositive legal issues or jurisdictional matters, but instead questions various discretionary and procedural rulings by the ALJ, which are determinations typically unsuitable for interlocutory review. The Board thus concludes that there exists no extraordinary circumstance in this matter. Accordingly, the interlocutory appeal is **DISMISSED**.

SO ORDERED FOR THE BOARD.



WILLIAM T. BARTO
Chief Administrative Law Judge

³ The Board's show cause order did not stay the proceedings before the Office of Administrative Law Judges.

⁴ Secretary's Order No. 02-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board). 77 Fed. Reg. 69,379, § 5(66) (Nov. 16, 2012).