



**In the Matter of:**

**ADMINISTRATOR, WAGE  
AND HOUR DIVISION, U.S.  
DEPARTMENT OF LABOR,**

**ARB CASE NO. 15-069**

**ALJ CASE NO. 2014-TNE-016**

**PROSECUTING PARTY,**

**DATE: AUG 16 2017**

**v.**

**STRATES SHOWS, INC.,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Prosecuting Party:*

**Laura Moskowitz, Esq.; Sara A. Conrath, Esq.; Paul L. Frieden, Esq.; Jennifer S. Brand, Esq.; Nicholas C. Geale, Esq.; U.S. Department of Labor, Washington, District of Columbia**

*For the Respondent:*

**R. Wayne Pierce, Esq.; The Pierce Law Firm, LLC; Annapolis, Maryland**

**Before: E. Cooper Brown, Administrative Appeals Judge; Joanne Royce, Administrative Appeals Judge; and Leonard J. Howie III, Administrative Appeals Judge**

**ORDER VACATING FINAL DECISION AND ORDER  
AND GRANTING RECONSIDERATION**

On June 30, 2017, the Administrative Review Board issued a Final Decision and Order affirming the Administrative Law Judge's Decision and Order dismissing without prejudice Wage and Hour Division's complaint against Strates Shows. On July 10, 2017, the Administrator filed an Emergency Motion for Stay and a Motion for Reconsideration of the ARB's Final Decision and Order. Strates Shows also filed a Motion for Reconsideration. On July 20, the ARB granted the Administrator's Motion for Emergency Stay and requested briefing from Respondent on the Administrator's Motion for Reconsideration. Respondent Strates

Shows, on August 2, 2017, responded with a Motion to Vacate Stay, which we denied. Because the initial final decision and order created unintended consequences in other tribunals, we **GRANT** the Administrator's Motion to Reconsider.<sup>1</sup> Accordingly, the June 30, 2017 Final Decision and Order is **VACATED**.

**SO ORDERED.**

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

  
**E. COOPER BROWN**  
Administrative Appeals Judge

  
**JOANNE ROYCE**  
Administrative Appeals Judge

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<sup>1</sup> The ARB is authorized to reconsider earlier decisions. *See Knox v. U.S. Dep't of the Interior*, ARB No. 03-040, ALJ No. 2001-CAA-003, slip op. at 3 (ARB Oct. 24, 2005); *Henrich v. Ecolub, Inc.*, ARB No. 05-030, ALJ No. 2004-SOX-051 (ARB May 30, 2007). Following the principles that federal courts employ in deciding requests for reconsideration, we will reconsider our decisions under the following circumstances: (1) material differences in fact or law from that presented to a court which the moving party could not have discovered through reasonable diligence, (2) new material facts that occurred after the court's decision, (3) a change in the law after the court's decision, and (4) failure to consider material facts presented to the court before its decision.