



In the Matter of:

DOUGLAS A. COUPAR,

ARB CASE NO. 05-108

COMPLAINANT,

ALJ CASE NO. 2005-WPC-002

v.

DATE: JUL 24 2013

**UNICOR (FEDERAL PRISON
INDUSTRIES),**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

2013 JUL 26 PM 12 31
U.S. DEPARTMENT OF LABOR
WASHINGTON, DC

NOTICE OF CASE CLOSING

Douglas A. Coupar filed a complaint with the Department of Labor's Occupational Safety and Health Administration alleging that the Respondent UNICOR (Federal Prison Industries) violated the whistleblower provisions of the Federal Water Pollution Control Act (WPCA).¹ On May 17, 2005, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order Dismissing Case and Vacating Trial.² Coupar appealed this decision to the Administrative Review Board.³ On March 13, 2008, the Administrative Review Board issued a Final Decision and Order Dismissing Appeal (F. D. & O.). In this decision, we granted UNICOR's Motion to Dismiss Douglas Coupar's appeal because he failed to file a brief as provided in our Order Re-establishing the Briefing Schedule issued January 8, 2008. Treating Coupar's subsequently received Answer to Motion to Dismiss as a request for reconsideration of our F.D.O., on April 14, 2008, the Board issued an Order Granting

¹ 33 U.S.C.A. § 1367 (West 2001).

² *Coupar v. UNICOR (Federal Prison Industries)*, 2005-WPC-002 (D. & O.).

³ The Secretary of Labor has delegated her authority to issue final administrative decisions in cases arising under the WPCA to the Administrative Review Board. See Secretary's Order No. 2-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 77 Fed. Reg. 69378 (Nov. 16, 2012).

Reconsideration and Re-establishing the Briefing Schedule in this case. Both parties filed briefs in response to the re-established schedule.

Through an administrative error, the case was not re-entered onto the Board's docket when the Board granted re-consideration. Furthermore, the employee responsible for monitoring the progress of the case left the Board, and the record was inadvertently filed as a closed case. This mistake was only recently recognized during an audit of the Board's case records. Since July 13, 2008, we have received no communication from either party concerning the case, nor any updated contact information. Nevertheless, a review of the record has led the Board to believe that the issues that Coupar raised having to do with his relationship with UNICOR, may now be moot.

Accordingly, given the possibility that this case is moot or that Coupar has no interest in pursuing it, the Board ordered Coupar to show cause no later than July 8, 2013, why the Board should not dismiss this case.

Coupar has not responded to the Board's Order. Therefore, we **CLOSE** this case.

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
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