

**U.S. Department of Labor**

Administrative Review Board  
200 Constitution Ave. NW  
Washington, DC 20210-0001



**IN THE MATTER OF:**

**SHAHROOZ MARK JAHANBIN,**

**ARB CASE NO. 2024-0035**

**COMPLAINANT,**

**ALJ CASE NO. 2023-AIR-00023**

**ALJ EVAN H. NORDBY**

**v.**

**DATE: April 4, 2025**

**THE BOEING COMPANY,**

**RESPONDENT.**

**Appearances:**

***For the Complainant:***

**Shahrooz Mark Jahanbin; *Pro Se*; Irvine, California**

***For the Respondent:***

**Caleb F. Hand, Esq.; *Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*; Memphis, Tennessee; David L. Schenberg, Esq.; *Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*; St. Louis, Missouri**

**Before JOHNSON, Chief Administrative Appeals Judge, and THOMPSON, Administrative Appeals Judge**

**NOTICE OF NON-REFERRAL TO THE SECRETARY**

**PER CURIUM:**

This case arises under the employee protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21).<sup>1</sup>

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<sup>1</sup> 49 U.S.C. § 42121, as implemented by the regulations at 29 C.F.R. Part 1979 (2024).

Complainant Shahrooz Mark Jahanbin filed a whistleblower complaint with the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA).<sup>2</sup> OSHA dismissed the complaint.<sup>3</sup> Complainant objected to OSHA’s determination and the case was assigned to an Administrative Law Judge (ALJ).<sup>4</sup> On April 1, 2024, the ALJ issued an Order Granting Summary Decision (Order) as untimely.<sup>5</sup> Complainant petitioned the Administrative Review Board (Board) for review of the ALJ’s Order. On March 13, 2025, the Board issued a Decision and Order affirming the ALJ. On March 17, 2025, Complainant filed a petition seeking review by the Secretary of Labor. On March 24, 2025, Respondent filed a response in opposition.

A party to a case before the Board may, within 14 calendar days after the Board issues its decision, request that the Board refer the case for further review by the Secretary of Labor.<sup>6</sup> However, the circumstances under which we may refer the case to the Secretary are extremely narrow. Per the Secretary’s delegation of authority to the Board, we may only refer the case to the Secretary if a majority of the Board determines that the case involves: (1) a question of law, (2) that is of “exceptional importance,” and (3) that warrants Secretary review.<sup>7</sup> If the Board refers the matter to the Secretary, the Secretary retains the discretion to decline, accept, or take no action on the Board’s referral, as the Secretary deems appropriate.<sup>8</sup>

None of the arguments that Complainant sets forth involve a question of law that is of exceptional importance and warrants review by the Secretary of Labor. Thus, we deny Complainant’s petition.

Therefore, unless the Secretary directs the Board to refer this matter to her, the Board’s decision will become the final action of the Department on April 14,

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<sup>2</sup> Order Granting Summary Decision (Order) at 2.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 1.

<sup>6</sup> Secretary’s Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board (Secretary’s discretionary review of ARB decisions)), 85 Fed. Reg. 13,186, 13,188, ¶6(b)(1) (Mar. 6, 2020).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

2025 (after the passage of 28 calendar days from the date on which the petition was filed).<sup>9</sup>

**SO ORDERED.**

**RANDEL K. JOHNSON**  
**Chief Administrative Appeals Judge**

**ANGELA W. THOMPSON**  
**Administrative Appeals Judge**

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<sup>9</sup> *Id.* at 13,187, ¶6(a)(2) (“In the case of a decision for which a petition has been filed under subsection (b)(1), but that the Board has not referred to the Secretary for review, such decision shall become the final action of the Department after the passage of 28 calendar days from the date on which the petition was filed.”).