

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**MANONDA GRACE LATTIMORE,**

**ARB CASE NO. 2025-0089**

**COMPLAINANT,**

**ALJ CASE NO. 2025-AIR-00038**

**CHIEF ALJ STEPHEN R. HENLEY**

**v.**

**DATE: March 9, 2026**

**ALASKA AIRLINES, INC.,**

**RESPONDENT.**

**Appearances:**

***For the Complainant:***

**Manonda Grace Lattimore; *Pro Se*; Las Vegas, Nevada**

***For the Respondent:***

**Patrick D. Joyce, Esq., Dan W. Ballesteros, Esq.; *Sefarth Shaw LLP*;  
Seattle, Washington**

**Before JOHNSON, Chief Administrative Appeals Judge, and BURRELL  
and KIKO, Administrative Appeals Judges**

## **DECISION AND ORDER DENYING INTERLOCUTORY APPEAL**

This case arises under the employee protection provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21) and its implementing regulations.<sup>1</sup> Complainant Manonda Grace Lattimore filed a petition for interlocutory review requesting that the Administrative Review Board (Board) review the Chief Administrative Law Judge's (ALJ) Order Suspending Discovery and Prohibiting Further Filings Until Assignment of Presiding Judge (Suspension

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<sup>1</sup> 49 U.S.C. § 42121; 29 C.F.R. Part 1979 (2025).

Order).<sup>2</sup> For the following reasons, we deny Complainant's petition for interlocutory review.

### BACKGROUND

Complainant filed a complaint with the United States Department of Labor's Occupational Safety and Health Administration (OSHA) on or about June 3, 2025, alleging that Respondent Alaska Airlines violated AIR21. OSHA dismissed the complaint on June 12, 2025, and Complainant requested a hearing before the Department's Office of Administrative Law Judges.

Chief ALJ Stephen R. Henley issued a Notice of Docketing on July 10, 2025. The Chief ALJ stated that the matter had been docketed but not yet assigned to a presiding ALJ, and that, once assigned, the presiding ALJ would issue a Notice of Hearing and Prehearing Order. The Chief ALJ also advised the parties of their obligations to make initial disclosures under the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges.

Complainant filed seven motions before the Chief ALJ issued the Notice of Docketing on July 10, 2025, and more than twenty additional motions between then and July 22, 2025. On July 21, 2025, Respondent filed a Motion for Prehearing Conference and Motion to Stay Response Deadlines, requesting that the Chief ALJ schedule a prehearing conference, stay Respondent's response deadlines, and order that the parties confer and submit a discovery plan.

On July 22, 2025, the Chief ALJ issued the Suspension Order. The Chief ALJ ordered that all discovery, including initial disclosures, was suspended until a presiding ALJ was appointed and issued a scheduling order. The Chief ALJ also prohibited the parties from filing any more motions until the matter was assigned to a presiding ALJ, and stayed the deadline for Respondent to file responses to Complainant's pending motions until further order of the presiding judge. The Chief ALJ also stated that any filings submitted between the issuance of the Suspension Order and the assignment of a presiding ALJ would not be part of the official administrative record.

On September 5, 2025, Complainant filed an Interlocutory Petition for Relief (Petition) with the ARB, seeking review of the Chief ALJ's July 22, 2025 Suspension Order. Among other things, Complainant asserts that the Suspension Order "froze Complainant's filings, blocked § 18.33(d) response rights, suspended discovery contrary to § 18.51, and left unrebutted submissions in the record while Respondent engaged in off-record witness interference and medical-record intrusion." She states

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<sup>2</sup> After Chief ALJ Henley issued the Suspension Order, this case was assigned to ALJ Evan Nordby.

that “[t]his created daily prejudice and obstructed AIR21’s expedited mandate and § 18.10(a) (just, speedy, inexpensive determination).” She also adds that she has been denied a fair hearing, that the proceedings have been “tainted and incapable of producing a just result,” and that she has faced “systemic delay.” Complainant requests “default on liability now under 29 C.F.R. § 18.57,” with a “separate remedies phase,” or various alternative relief.

On September 10, 2025, the Board issued an Order to Show Cause. The Board explained that, because the ALJ had not yet issued a decision fully disposing of all claims in Complainant’s complaint, the petition was for interlocutory review. The Board ordered Complainant to file a brief within ten calendar days explaining why the Board should not dismiss this interlocutory review and demonstrate why this matter satisfies the three elements of the collateral order exception identified in the order. The Board cautioned that failure to timely respond to this order may result in dismissal of the appeal without further order.

Complainant failed to file a response.<sup>3</sup> On September 24, 2025, Respondent Alaska Airlines filed a response, contending that Complainant’s petition should be dismissed because she failed to file a response to the Board’s order to show cause. In the alternative, Respondent contends that Complainant has not met the requirements for an interlocutory appeal.

### JURISDICTION AND STANDARD OF REVIEW

The Board’s delegated authority includes the consideration and disposition of interlocutory appeals “in exceptional circumstances, provided such review is not

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<sup>3</sup> We note that on September 16, 2025, Lattimore filed a complaint in the U.S. District Court for the District of Nevada, in which she argued that the Board erred in issuing the Order to Show Cause, and subsequently filed a motion for a temporary restraining order and preliminary injunction to enjoin the enforcement of the Board’s order. On September 17, 2025, U.S. District Judge Jennifer A. Dorsey denied Lattimore’s motion, finding that a preliminary injunction was not warranted because Lattimore had not shown a likelihood of success on the merits or irreparable harm. *Lattimore v. U.S. Dep’t of Lab., et al.*, No. 2:25-CV-01750-JAD-EJY, 2025 WL 2659829, at \*1-2 (D. Nev. Sept. 17, 2025). Lattimore appealed to the Ninth Circuit. As of the date of this order, Lattimore’s motion is still pending. However, because a stay has not been issued in this case and the Board’s Order to Show Cause is not a final order of the Secretary of Labor, the Board has not been divested of jurisdiction to decide this interlocutory appeal. *See In re Slavin*, ARB No. 2002-0109, ALJ No. 2002-SWD-00001, slip op. at 13 (ARB June 30, 2003) (filing an appeal from an interlocutory order did not automatically divest an ALJ of jurisdiction); *see also* 49 U.S.C. § 42121(b)(4)(A) (not later than 60 days of the issuance of a final order by the Secretary of Labor, any person adversely affected or aggrieved by the final order may file a petition for review of the order in the United States Court of Appeals); 29 C.F.R. § 1979.112 (same).

prohibited by statute.”<sup>4</sup> This authority includes the discretion to consider interlocutory appeals “in exceptional circumstances . . . .”<sup>5</sup>

## DISCUSSION

### 1. Complainant Failed to Comply with the Board’s Order

The Board has the inherent “authority to effectively manage its docket” to ensure case efficiency.<sup>6</sup> Pursuant to this authority, the Board may dismiss a complaint in a case in which the complainant failed to comply with the Board’s orders.<sup>7</sup>

Here, the Board ordered Complainant to explain why the Board should not dismiss her petition and demonstrate why this matter satisfies the three elements of the collateral order exception by September 20, 2025. The Board cautioned that failure to respond could result in dismissal of her petition. Complainant did not file a response. Because Complainant failed to respond, we dismiss Complainant’s petition for failing to comply with the Board’s order.

### 2. Complainant’s Interlocutory Appeal Does Not Satisfy the Collateral Order Exception

We also decline to accept Complainant’s appeal because it does not satisfy the collateral order exception. As stated above, the Secretary of Labor’s delegation of authority to the Board provides that interlocutory appeals should only be considered in “exceptional circumstances.” The Board takes the Secretary’s dictate seriously and has emphasized repeatedly that interlocutory appeals are generally disfavored and that there is a strong policy against piecemeal appeals.<sup>8</sup>

When a party seeks interlocutory review of an ALJ’s non-final order, the Board has elected to look to the interlocutory review procedures used by federal courts, including requesting the trial court certify issues involving a controlling

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<sup>4</sup> Secretary’s Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 85 Fed. Reg. 13186 (Mar. 6, 2020)).

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

<sup>6</sup> *Barrett v. Empire Airlines*, ARB No. 2023-0032, ALJ No. 2022-AIR-00010, slip op. at 3 (ARB June 22, 2023) (dismissing the appeal where Complainant failed to respond to, and comply with, the Board’s order) (citation omitted).

<sup>7</sup> *Id.* (citations omitted).

<sup>8</sup> *Priddle v. United Airlines, Inc.*, ARB No. 2021-0064, ALJ No. 2020-AIR-00013, slip op. at 7 (ARB Jan. 26, 2022) (citations omitted).

question of law for immediate appeal in accordance with 28 U.S.C. § 1292(b).<sup>9</sup> It does not appear that Complainant received ALJ certification under 28 U.S.C. § 1292(b) in this case.

If a party has failed to obtain ALJ certification, the Board may still consider reviewing an interlocutory order that meets the “collateral order” exception. The collateral order exception applies if the appealed decision belongs to that “small class [of decisions] which finally determine claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.”<sup>10</sup>

To fall within the “collateral order” exception, the order appealed must: (1) conclusively determine the disputed question; (2) resolve an important issue completely separate from the merits of the action; and (3) be effectively unreviewable on appeal from a final judgment.<sup>11</sup> Even setting aside the first two prongs of the collateral order test, we conclude that Complainant’s appeal does not satisfy the third prong because all the issues raised by Complainant may be effectively reviewed on appeal from a final judgment of the ALJ.

To be “effectively unreviewable,” the right sought to be vindicated must “be, for all practical and legal purposes, destroyed if it were not vindicated prior to final judgment.”<sup>12</sup> As long as the rights at issue “can be adequately vindicated by other means, the chance that the litigation at hand might be speeded, or a particular injustice averted, does not provide a basis for” immediate appellate review of an interlocutory order.<sup>13</sup>

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<sup>9</sup> *Kossen v. Asia Pac. Airlines*, ARB No. 2023-0041, ALJ No. 2023-AIR-00001, slip op. at 2-3 (ARB Aug. 22, 2023) (citation omitted).

<sup>10</sup> *Priddle*, ARB No. 2021-0064, slip op. at 5 (citing *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949)).

<sup>11</sup> *Kossen*, ARB No. 2023-0041, slip op. at 3 (citation omitted).

<sup>12</sup> *Priddle*, ARB No. 2021-0064, slip op. at 8 (quoting *In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Prod. Liab. Litig.*, 418 F.3d 372, 377 (3d Cir. 2005)).

<sup>13</sup> *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 107 (internal quotations and citation omitted); see also *Digital Equip. Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 872 (1994) (“A fully litigated case can no more be untried than the law’s proverbial bell can be unrung, and almost every pretrial or trial order might be called ‘effectively unreviewable’ in the sense that relief from error can never extend to rewriting history. Thus, erroneous [orders] may burden litigants in ways that are only imperfectly reparable by appellate reversal of a final district court judgment . . . . But if immediate appellate review were available every such time, Congress’s final decision rule would end up a pretty puny one . . . .”); see generally CHARLES A. WRIGHT ET AL., FEDERAL PRACTICE AND

Complainant’s appeal concerns a procedural ruling and order imposed to control the conduct of the proceedings below. The Board has repeatedly declined to interfere with an ALJ’s procedural orders in interlocutory appeals because they are readily subject to review on appeal from a final judgment.<sup>14</sup>

Complainant contends the Chief ALJ’s suspension order nullified her right to respond, suspended the initial disclosure obligation, and froze discovery, “leaving the proceeding tainted and incapable of producing a just result.”<sup>15</sup> Complainant asserts that this cannot be cured retroactively because it “poisoned the record” and prejudiced her.<sup>16</sup> We disagree. Complainant has neither demonstrated prejudice nor has she provided any support for her allegations. Moreover, Complainant can appeal the ALJ’s decision, including this procedural order and the restrictions it placed on her, at the conclusion of the ALJ’s proceedings. If the Board agrees with Complainant at that time that the ALJ erred, and that the error was not harmless, the Board can order necessary relief. Thus, we find that Complainant has not satisfied the collateral order exception.

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PROCEDURE § 3911.4 (3d ed. Sept. 2025 update) (internal citations omitted) (“The mere burden of submitting to trial proceedings that will be wasted if the appellant’s position is correct does not support collateral order appeal. Nor is it enough to show that a wrong order may cause tactical disadvantages that cannot be undone even by a second trial. The final judgment rule rests on a determination that ordinarily these costs be borne to support the greater benefits that generally flow [from] denying interlocutory appeal.”).

<sup>14</sup> *Ashcraft v. First Citizens Bank*, ARB Nos. 2026-0008, -0017, ALJ No. 2025-SOX-00025, slip op. at 10-11 (ARB Jan. 30, 2026) (citing *Lewis v. Deepwell Energy Servs., LLC*, ARB Nos. 2025-0037, -0039, -0051, ALJ No. 2024-STA-00042, slip op. at 7-8 (ARB Apr. 23, 2025) (denying interlocutory appeals of ALJ orders prohibiting complainant from filing, denying reconsideration, denying motion for recusal, and denying request to certify for interlocutory appeal); *Mawhinney v. Transp. Workers Union*, ARB No. 2015-0013, ALJ No. 2012-AIR-00014, slip op. at 3 (ARB Feb. 3, 2015) (declining interlocutory review concerning ALJ orders denying amendments to arguments about individual liability and concerning alleged ex parte communications; “the Board may fully consider and dispose of both issues he has presented, upon appeal of the ALJ’s final order in this case, should that be necessary”); *Pragasam v. Wellness Home Health Care, Inc.*, ARB No. 2011-0017, ALJ No. 2010-LCA-00018, slip op. at 6 (ARB Apr. 12, 2011) (“[T]here is no viable argument that the procedural and discovery dispute issues presented here are subject to the collateral order exception . . . . The ARB can most certainly review the procedural issues Pragasam has raised regarding default judgment, joinder of parties, and audio CD transcription upon appeal of the ALJ’s final decision in this case.”)).

<sup>15</sup> Complainant’s Interlocutory Petition for Relief at 2.

<sup>16</sup> *Id.* at 4.

**CONCLUSION**

For the foregoing reasons, we **DENY** Complainant's interlocutory appeal.

**SO ORDERED.**

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

**THOMAS H. BURRELL**  
**Administrative Appeals Judge**

**PHILIP G. KIKO**  
**Administrative Appeals Judge**