



**In the Matter of:**

**MARK HAIDUCEK**

**ARB CASE NO. 2022-0010**

**COMPLAINANT,**

**ALJ CASE NO. 2020-AIR-00019**

**v.**

**DATE: December 30, 2021**

**AMERICAN AIRLINES, INC.,**

**RESPONDENT.**

**Before: James D. McGinley, *Chief Administrative Appeals Judge* and  
Thomas H. Burrell, *Administrative Appeals Judge***

### **ORDER DISMISSING COMPLAINT**

PER CURIAM. On November 19, 2021, the Administrative Review Board issued an Order to Show Cause based on Complainant Mark Haiducek’s petition for review arising out of his AIR-21 claim.<sup>1</sup> Under the terms of the Order, Complainant was to show cause regarding the reasons why the Board should not dismiss his untimely petition for review no later than December 20, 2021.

On December 16, 2021, Complainant filed a response to the order, stating “[t]he singular fact of my inability to timely file my petition for review in a timely matter stems from my inability to finance outside counsel to further the appeal process at which time I had to create the petition pro se. It is for this reason alone that I was unable to timely file a petition for review.”

The Board’s Order provided three principal situations in which a modification to the period of time that a petition for review must be filed may apply. Complainant’s explanation that he was unable to secure counsel for the appeal process does not fall under these three principal situations, nor is it an extraordinary situation that could have prevented him from filing a timely petition

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<sup>1</sup> 49 U.S.C. § 42121, as implemented by the regulations at 29 C.F.R. Part 1979 (2020).

for review. Complainant does not contend that he was unaware of the time period for filing a timely petition for review, and filing a timely petition for review would not have prevented Complainant from securing counsel at a later point of the appeal process.

Accordingly, because Complainant has failed to show good cause as to why the Board should not dismiss his untimely petition for review, we **DISMISS** his complaint.

**SO ORDERED.**