



IN THE MATTER OF:

MANDEEP SINGH,

ARB CASE NO. 2025-0043

COMPLAINANT,

ALJ CASE NO. 2024-CAR-00005

DISTRICT CHIEF

v.

ALJ PAUL C. JOHNSON, JR.

INTEL CORPORATION,

DATE: August 29, 2025

RESPONDENT.

Before BURRELL and KIKO, Administrative Appeals Judges

DECISION AND ORDER AFFIRMING DISMISSAL

This case arises under the employee-protection provisions of the Criminal Antitrust Anti-Retaliation Act of 2020 (CAARA), and its implementing regulations.¹ Complainant Mandeep Singh filed a whistleblower complaint against Respondent Intel Corporation with the Office of Administrative Law Judges (OALJ). On February 20, 2025, District Chief Administrative Law Judge (ALJ) Paul C. Johnson, Jr. issued an Order of Dismissal (Order). Complainant, pro se, filed a Petition for Review with the Administrative Review Board (Board). For the following reasons, we summarily affirm the ALJ's dismissal and deny Complainant's appeal.

BACKGROUND

On July 24, 2024, Complainant filed a complaint with the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), alleging that Respondent violated the employee protection provisions of the CAARA. On July 31, 2024, OSHA dismissed the complaint.

On August 21, 2024, Complainant requested a hearing before OALJ.² On February 17, 2025, Complainant filed a document entitled "Unopposed Motion

¹ 15 U.S.C. § 7a-3; 29 C.F.R. Part 1991 (2024).

² Order at 1.

for [P]rotection and Motion for [A]dditional [D]isclosures so far.”³ In this motion, Complainant disclosed that he filed a related action in the U.S. District Court for the District of Oregon.⁴

A review of the federal court docket indicated that, on August 12, 2024, Complainant had filed a complaint in the United States District Court for the District of Oregon against Respondent and other defendants.⁵ On January 15, 2025, Complainant filed a Motion for Protection in the U.S. District Court.⁶ Complainant demanded a payment of \$4,000 per month until he was awarded \$4.5 billion in damages, citing 15 U.S.C. § 7a-3, among other statutes.⁷ The U.S. District Court denied Complainant’s motion and informed him that if he wished to bring a claim under the statutes he relied on in his motion, he had to file an amended complaint.⁸ On February 5, 2025, Complainant filed an amended complaint in District Court, requesting monetary damages pursuant to 15 U.S.C. § 7a-3 and other laws.⁹

On February 20, 2025, the ALJ dismissed Complainant’s complaint.¹⁰ The ALJ found that he no longer had jurisdiction of Complainant’s complaint because Complainant filed a complaint in U.S. District Court in compliance with CAARA and because more than 180 days had passed since Complainant filed his OSHA complaint and no final decision of the Secretary of Labor had been issued.¹¹

Complainant filed a petition for review with the Board.

³ *Id.* at 1.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 2.

¹⁰ *Id.*

¹¹ *Id.* (citing to 15 U.S.C. § 7a-3(b)(1)(B)). The provision is often referred to as a removal or “kick-out” provision.

JURISDICTION AND STANDARD OF REVIEW

The Secretary of Labor has delegated to the ARB authority to hear appeals from ALJ decisions and issue agency decisions in cases arising under the CAARA.¹² We review the ALJ's dismissal de novo.¹³

DISCUSSION

The CAARA provides that an employer may not discharge or otherwise retaliate against a covered individual with respect to the terms and conditions of employment because of any lawful protected activity done by the covered individual.¹⁴ Complaints filed under the CAARA are governed by the legal burdens of proof set forth in the employee-protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21).¹⁵ To prevail on a CAARA claim, an employee must prove by a preponderance of the evidence that he engaged in protected activity which was a contributing factor in an unfavorable personnel action taken against him.¹⁶ In light of our disposition of this matter, we limit our discussion to the issue of whether the ALJ correctly dismissed the case under the CAARA's kick-out provision.

The CAARA contains a kick-out provision whereby a whistleblower may remove the matter to federal district court.¹⁷ Under this provision, if the Secretary has not issued a final decision within 180 days, a complainant may bring an action "in the appropriate district court of the United States, which shall have jurisdiction over such an action."¹⁸

¹² 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 (Mar. 6, 2020).

¹³ *Gladden v. Proctor & Gamble Co.*, ARB No. 2022-0012, ALJ No. 2021-SOX-00012, slip op. at 8-9 (ARB May 9, 2023) (citations omitted) (the Board "reviews all conclusions of law de novo"); 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule.").

¹⁴ 15 U.S.C. § 7a-3(a).

¹⁵ *Id.* at § 7a-3(b)(2)(C); *see* 49 U.S.C. § 42121(b).

¹⁶ 49 U.S.C. § 42121(b)(2)(B)(iii).

¹⁷ 15 U.S.C. § 7a-3(b)(1)(B).

¹⁸ *Id.*

Complainant contends that OALJ has jurisdiction over Respondent based on OSHA's investigation.¹⁹ Complainant then proceeds to argue the elements of his case and requests \$15 billion in damages.²⁰

We acknowledge Complainant's pro se status.²¹ However, we agree with the ALJ that Complainant kicked-out his complaint to U.S. District Court when he requested monetary damages pursuant to the CAARA after the 180-day period expired. In addition, we are not persuaded by Complainant's arguments on appeal. Complainant's only argument pertaining to the Department of Labor's jurisdiction over this claim is OSHA's investigation. However, OSHA conducted its investigation prior to both Complainant requesting CAARA damages in his filings in U.S. District Court and before the 180-day period had passed. Thus, we find that Complainant has not met his burden on appeal and affirm the ALJ's dismissal of the case.²²

CONCLUSION

For the above reasons, we summarily **AFFIRM** the ALJ's decision and **DENY** Complainant's appeal.

SO ORDERED.

THOMAS H. BURRELL
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

¹⁹ Complainant's Brief at 4-5.

²⁰ *Id.* at 5-6.

²¹ The Board "construes arguments for self-represented litigants liberally in deference to their lack of training in the law,' while 'also refrain[ing] from becoming an advocate for the pro se litigant.'" *Kossen v. Asia Pac. Airlines*, ARB No. 2023-0047, ALJ No. 2023-AIR-00001, slip op. at 7 n.32 (ARB May 30, 2025) (quoting *Williams v. QVC, Inc.*, ARB No. 2020-0019, ALJ No. 2018-SOX-00019, slip op. at 7 n.43 (ARB Jan 17, 2023)).

²² 15 U.S.C. § 7a-3(b)(1)(B); *see Robles v. Quirch Foods, LLC*, ARB No. 2024-0034, ALJ No. 2023-STA-00016, slip op. at 4-5 (ARB July 15, 2025) (affirming the ALJ's dismissal of the case because Complainant intended a complaint he filed in U.S. District Court as a kick out).