

U.S. Department of Labor

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



IN THE MATTER OF:

DANIEL DUGGAN,

ARB CASE NO. 2026-0041

COMPLAINANT,

ALJ CASE NO. 2026-CFP-00002

ALJ JASON A. GOLDEN

v.

DATE: May 29, 2026

FREEDOMROADS LLC,

RESPONDENT.

Before BURRELL and KIKO, Administrative Appeals Judges

**ORDER REMANDING CASE TO ADMINISTRATIVE LAW JUDGE TO
RESOLVE PENDING MOTION FOR RECONSIDERATION**

This case arises under the employee protection provisions of the Consumer Financial Protection Act.¹ On May 20, 2026, Complainant Daniel Duggan filed a Petition for Review with the Administrative Review Board (Board) of Administrative Law Judge Jason A. Golden's Order of Dismissal, issued on May 6, 2026. On the same date, Complainant also filed a Motion to Hold Petition for Review in Abeyance Pending the OALJ's Disposition of Complainant's Verified Motion for Reconsideration (Motion to Hold in Abeyance). In this motion Complainant notified the Board that he had filed a Motion for Reconsideration with the ALJ pursuant to 29 C.F.R. § 18.93 and requests that the Board "hold[] the contemporaneously filed Petition for Review in abeyance pending the OALJ's disposition" of his motion for reconsideration.²

The Office of Administrative Law Judges (OALJ) Rules of Practice and Procedure permit parties to file a motion for reconsideration within 10 days after

¹ 12 U.S.C. § 5567; 29 C.F.R. Part 1985 (2025).

² Motion to Hold in Abeyance at 7. Complainant's May 7, 2026 motion to the ALJ was called "Complainant's Verified Motion for Reconsideration Pursuant to 29 C.F.R. § 18.93 of the May 6, 2026 Dismissal Order, and in the Alternative for Relief from Order Pursuant to 29 C.F.R. § 18.1(a) and Fed. R. Civ. P. 60 (b)(1), Requesting Reinstatement."

service of the decision on the moving party.³ The timely filing of a motion for reconsideration extends the time in which a party may seek review by the Administrative Review Board of an ALJ's decision or order.⁴ However, the filing of a petition for review with the Board deprives the ALJ of jurisdiction over the matter. The OALJ Rules of Practice and Procedure address this by permitting an ALJ to issue an indicative ruling on a motion for relief that is barred by a pending petition for review.⁵ Under this procedure, if a timely motion for relief is made that the judge lacks authority to grant because a petition for review has been docketed and is pending with the Board, the judge may: "(1) [d]efer considering the motion; (2) [d]eny the motion; or (3) [s]tate either that the judge would grant the motion if the [Board] remands for that purpose or that the motion raises a substantial issue.⁶ The OALJ Rules of Practice and Procedure also permit the ALJ to "decide the motion if the [Board] remands for that purpose."⁷

³ 29 C.F.R. § 18.93.

⁴ Cf. Fed. R. App. P. 4(a)(4)(A) (providing that if a party files a motion for relief from a judgment or order—and does so within the time allowed under the applicable rule—the time to file an appeal runs for all parties from the entry of the order disposing of said motion); *United States v. Ibarra*, 502 U.S. 1, 4 n.2 (1991) (recognizing that the time in which to file an appeal "runs from the denial of a timely petition [for rehearing] . . . rather than from the date of the order itself"); see also *Phox v. The Savoy at 21C*, ARB No. 2021-0057, ALJ No. 2019-FDA-00014, slip op. at 2-3 (ARB Jan. 6, 2022) (recognizing that the Board has adopted principles employed by federal courts under the Federal Rules of Appellate Procedure with regard to the effect of a motion for reconsideration on the time in which a party may appeal an ALJ's decision).

⁵ 29 C.F.R. § 18.94.

⁶ 29 C.F.R. § 18.94(a).

⁷ 29 C.F.R. § 18.94(c).

Here, we think the interest of judicial economy would be best served by remanding the case to the ALJ.⁸ Accordingly, we **REMAND** this case to permit the ALJ to decide Complainant's motion for reconsideration.

SO ORDERED.

THOMAS H. BURRELL
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

⁸ See *Abdur-Rahman v. DeKalb Cnty.*, ARB Nos. 2012-0038, -0057, ALJ Nos. 2006-WPC-00002, -00003, slip op. at (ARB Mar. 21, 2012) (Order Dismissing Appeals) (recognizing that an ALJ's decision is not generally "ripe for review until the ALJ has resolved all timely motions for reconsideration.").