U.S. Department of Labor

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

IN THE MATTER OF:

JAVARY R. DERRITT,

COMPLAINANT,

v.

NAVY FEDERAL CREDIT UNION,

RESPONDENT.

ARB CASE NO. 2026-0054

ALJ CASE NO. 2025-CFP-00009
ALJ THEODORE W. ANNOS

DATE: September 28, 2026

Appearances:

For the Complainant:
Javary R. Derritt; *Pro Se*; Winchester, Virginia

Before KAPLAN and KIKO, Administrative Appeals Judges

DECISION AND ORDER DISMISSING PETITION FOR REVIEW

This case arises under the employee protection provisions of the Consumer Financial Protection Act, and its applicable implementing regulations.[1] On July 14, 2026, Complainant Javary R. Derritt filed a Petition for Review with the Administrative Review Board (Board) of an Administrative Law Judge's Decision and Order Dismissing Complaint, issued on June 30, 2026.

On July 23, 2026, the Board issued a Notice of Appeal Acceptance and Briefing Order (Briefing Order). The Briefing Order ordered Complainant to file an Opening Brief on or before August 20, 2026 (28 days from the Board's Briefing Order). Complainant did not file an Opening Brief as ordered.

[1] 12 U.S.C. § 5567; 29 C.F.R. Part 1985 (2026).

Consequently, on September 2, 2026, the Board issued an Order to Show Cause requiring Complainant to explain why the Board should not dismiss this appeal due to Complainant's failure to file an Opening Brief. The Board ordered Complainant to file a response to the Order to Show Cause, as well as a copy of the Opening Brief, by September 16, 2026 (14 calendar days from the Board's Order to Show Cause). The Board cautioned Complainant that if it did "not receive Complainant's response to this [Order to Show Cause] **and** Complainant's Opening Brief within fourteen (14) calendar days of the issuance of this [Order to Show Cause], the Board may dismiss the appeal without further notice to the parties." Nevertheless, Complainant did not file a response or an Opening Brief as ordered.

The Board has the inherent "power to dismiss a case for failure to prosecute in an effort to control its docket and to promote the efficient disposition of its cases."[2] 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."[3]

Complainant failed to file an Opening Brief as ordered by the Board. The Board then gave Complainant the opportunity to explain why Complainant failed to file an Opening Brief, and explicitly warned Complainant that failure to do so could result in dismissal of Complainant's appeal. Given Complainant's failure to respond to, and comply with, the Board's orders, we **DISMISS** Complainant's appeal.

SO ORDERED.

ELLIOT M. KAPLAN
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

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[2] *DeVoe v. AMSA Contractors, Inc.*, ARB No. 2025-0011, ALJ No. 2024-STA-00061, slip op at 2 (ARB Jan. 28, 2025) (citation omitted) (dismissing appeal where complainant failed to file opening brief or respond to order to show cause).

[3] *Id.* (citation omitted).