**U.S. Department of Labor**

Administrative Review Board
200 Constitution Avenue, N.W.
Washington, D.C. 20210

June 25, 2019

**ERRATA**

TO ALL PARTIES OF THE RECORD IN:

*Demarco W. Taft v. Paramount Coffee Company and Director, OWCP* (ALJ Case No. 2019-FDA-00002) (ARB Case No. 2019-0031)

On May 13, 2019, the Administrative Review Board issued an Order Dismissing Petition for Review with the incorrect respondent. Please replace the corrected Order service sheet with your previous copy. In all other respects, the Order remains unchanged.

Administrative Review Board:

William T. Barto
Chief Administrative Appeals Judge

**In the Matter of:**

**DEMARCO W. TAFT,**

**COMPLAINANT,**

**v.**

**PARAMOUNT COFFEE COMPANY,**

**RESPONDENT,**

**and**

**DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS,**

**PARTY-IN-INTEREST.**

**ARB CASE NO. 2019-0031**

**ALJ CASE NO. 2019-FDA-00002**

**DATE: May 13, 2019**

**Date Reissued: June 25, 2019**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

## ORDER DISMISSING PETITION FOR REVIEW

On February 5, 2019, an Administrative Law Judge dismissed the underlying complaint in this matter because Complainant had filed civil suit in the United States (U.S.) District Court for the Western District of Michigan concerning the same matters that had given rise to his original administrative complaint. *See* 29 C.F.R. § 1987.114(a)(2)(2016). On February 19, 2019, Complainant filed a document styled "Appeal and Request for Administrative Review Hearing," ("Petition") in which he alerted the Administrative Review Board ("Board") to a document styled "Report and Recommendation," (R. & R.) purportedly issued by a U.S. Magistrate Judge from the U.S. District Court for the Western District of Michigan that

recommended Complainant's civil suit be dismissed because it was not ripe. In light of this situation, the Board extended the point in time at which the decision of the ALJ would become the final order of the Secretary until 14 days after the issuance of a decision by the U.S. District Court concerning the R. & R. *See id.* § 1987.115. On May 3, 2019, a U.S. District Judge from the Western District of Michigan rejected the R. & R. and authorized Complainant to bring his lawsuit in the appropriate district court. The only issue raised by Complainant in the Petition was the possible lapse in jurisdiction if his federal lawsuit was dismissed. As that issue has now apparently been resolved in Complainant's favor, the Petition is now moot. Accordingly, the Petition filed by Complainant is hereby **DISMISSED**.

**SO ORDERED FOR THE ADMINISTRATIVE REVIEW BOARD:**

**William T. Barto**
**Chief Administrative Appeals Judge**

**NOTE: Questions regarding any case pending before the Board should be directed to the Board's staff. Telephone: (202) 693-6200; Facsimile (202) 693-6220**