



IN THE MATTER OF:

CHAD MARUSAK,

ARB CASE NO. 2021-0010

COMPLAINANT,

ALJ CASE NO. 2020-FRS-00038

DATE: May 11, 2021

v.

BURLINGTON NORTHERN SANTA FE
RAILWAY CO. (BNSF) and SEMA
CONSTRUCTION, INC. (SEMA)

RESPONDENTS.

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

ORDER DISMISSING INTERLOCUTORY APPEAL

PER CURIAM. On April 13, 2021, the Administrative Review Board issued an Order to Show Cause based on Complainant Chad Marusak's petition for review arising out of his FRSA claim.¹ Under the terms of the Order, Complainant was to show cause why the Board should not dismiss his interlocutory appeal no later than April 27, 2021. The Board cautioned Complainant that if he failed to timely file his response to the Order, the Board could dismiss the appeal without further order.

Complainant did not file a response to the Board's order. Since the time of the Order, Complainant has filed two other documents that are non-responsive to the Board's order. Given Complainant's pro se status, we thoroughly reviewed both documents to determine whether they were in response to the Board's Order to

¹ 49 U.S.C. § 20109 (2008), as implemented by federal regulations at 29 C.F.R. Part 1982 (2020) and 29 C.F.R. Part 18, Subpart A (2020).

Show Cause. However, upon review, neither document explained why the Board should not dismiss the interlocutory appeal or demonstrate why the appeal fell within the collateral exception for the Board to entertain an interlocutory issue.

Complainant did not respond to the Board's Show Cause Order. Accordingly, because he has failed to show cause on why the Board should entertain his interlocutory appeal, we **DISMISS** his appeal.²

SO ORDERED.

² The Board notes that Complainant may appeal again after the Department of Labor Administrative Law Judge (ALJ) issues the final ALJ decision in this matter.