

U.S. Department of Labor

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



IN THE MATTER OF:

**PATRICIA JEFFERSON,
PETITIONER,**

ARB CASE NO. 2026-0031

DATE: May 28, 2026

Before KAPLAN and KIKO, Administrative Appeals Judges

DECISION AND ORDER

On April 6, 2026, the Administrative Review Board (ARB or Board) received a letter from Petitioner Patricia Jefferson stating that she wished “to formally appeal the denial of my wage and hour complaint and request review by the Administrative Review Board.” In the letter, Petitioner claimed to have “documentation demonstrating that I worked overtime on a regular, daily basis and was not compensated for those hours.” Petitioner enclosed with her letter what appears to be paystubs and related materials.

On April 10, 2026, the Board received a second letter from Jefferson stating that she wanted “to appeal the decision of the Wage and Hour Division of the U.S. Department of Labor denying my wage and hour claim.” It appears from the materials submitted by Petitioner that she submitted a complaint to the U.S. Department of Labor’s Wage and Hour Division (WHD) alleging that her employer did not pay her the required overtime rate under the Fair Labor Standards Act (FLSA).¹ Petitioner enclosed with her letter a copy of a February 19, 2026 letter from Paula Ruffin, District Director of the Northern New Jersey District Office of WHD, stating that WHD “is declining to take further action on your complaint” because “[t]he WHD receives more than 30,000 complaints each year and its resources do not permit it to investigate all the complaints it receives.”

¹ See 29 U.S.C. § 207.

On April 23, 2026, the Board issued an Order to Show Cause, ordering Petitioner to file a written brief within fourteen calendar days explaining why the Board has jurisdiction to hear the issues raised in her letters to the Board and why the matter is ripe for Board review. The Board permitted the Administrator of WHD to file a brief responding to Petitioner's response within fourteen calendar days of the date of service thereof.

On May 5, 2026, the Board received Petitioner's response to the Order to Show Cause. In her response, Petitioner alleges that she sustained an on-the-job injury while employed by the United States Postal Service and "engaged in protected activity by reporting [her] injury, seeking medical care, and requesting accommodation." Petitioner further alleges she "experienced adverse actions, including the removal or denial of accommodations[,] disregard of medical restrictions, loss of work opportunities and retaliatory treatment that made continued employment intolerable," ultimately resulting in her "constructive discharge." Petitioner claims that her employer's action violated the Federal Employees' Compensation Act and the Rehabilitation Act of 1973, in addition to the Fair Labor Standards Act. Petitioner also requested that the Board, if it determines that it lacks jurisdiction, transfer or refer the matter to the appropriate forum.² On May 18, 2026, the Administrator filed a response to the Order to Show Cause arguing that the Board lacks jurisdiction to review the WHD District Director's decision not to investigate Petitioner's complaint.

The Board is a tribunal of limited jurisdiction.³ Specifically, the Secretary of Labor has delegated the Board the authority to hear appeals of decisions of the Administrator of the WHD and final decisions of Administrative Law Judges in cases arising under certain enumerated statutes.⁴ Although the Board has some

² In her response, Petitioner states that the Equal Employment Opportunity Commissioner, the Merit Systems Protection Board, and the Officer of Workers' Compensation Programs may be the appropriate agencies for her disability discrimination, prohibited personnel action, and FECA-related claims, respectively.

³ *Eddis v. LB&B Assocs., Inc.*, ARB Nos. 2001-0031, -0086, ALJ No. 2000-NQW-00001, slip op. at 4 (ARB Aug. 8, 2001) (recognizing that the Board has limited jurisdiction); *see also Worksource E. Cent. Ga. v. Emp't. and Training Admin.*, ARB No. 2025-0018, ALJ No. 2024-WIA-00003, slip op. at 5 (ARB Mar. 19, 2025) (recognizing that the Office of Administrative Law Judges is a tribunal of limited jurisdiction); 2 Am. Jur. 2d Administrative Law § 256 (2026).

⁴ Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 85 Fed. Reg. 13186 (Mar. 6, 2020);

jurisdiction over certain FLSA claims,⁵ certain Rehabilitation Act claims,⁶ and various whistleblower laws, the Board does not have jurisdiction over claims for unpaid overtime,⁷ disability discrimination, or, outside of limited contexts that are not relevant here, retaliation for reporting on-the-job injuries, retaliation for seeking medical accommodations, or retaliation for seeking compensation under the Federal Employees' Compensation Act.

The Board has not been granted the authority to transfer or formally refer matters to other agencies, offices, or tribunals and thus we deny Petitioner's request to transfer the case to the appropriate agency.

see, e.g., In re Lawn Groomers, Inc., ARB No. 2025-0046, ALJ No. 2025-TLN-00033, slip op. at 2 (ARB May 14, 2025).

⁵ Pursuant to its delegated authority, the Board can hear cases dealing with determinations of "reasonable costs" to an employer for furnishing an employee with lodging, industrial homework, special certificates for handicapped workers, and civil money penalties (CMPs) for certain violations. *See* Secretary's Order §(5)(a)(14) – (17). For example, the Administrator can seek to impose CMPs for alleged FLSA overtime violations. The overtime violations themselves would be litigated in federal district court; the CMPs would be separately litigated before an ALJ and reviewable by the ARB. *See generally Adm'r, Wage & Hour Div., U.S. Dep't of Lab. v. TAFS Corp.*, ARB No. 2023-0007, ALJ Nos. 2021-FLS-00005, -00006 (ARB July 18, 2024).

⁶ The Board can hear cases arising under Section 503, prohibiting federal contractors and subcontractors from discriminating against employees with disabilities, and Section 504, prohibiting discrimination on the basis of disability in programs and activities receiving federal financial assistance. *See* Secretary's Order §(5)(a)(47), (48).

⁷ *See Newsome v. Mitchell, McNutt & Sams, P.A.*, ARB No. 2004-0082, slip op. at 4 (ARB Sept. 14, 2004) (finding that the Board did not have jurisdiction to review a decision from a District Director of WHD to not take further action on complainant's FLSA complaint alleging unpaid wages).

Because the ARB does not have jurisdiction, we **DISMISS** this case.

SO ORDERED.

ELLIOT M. KAPLAN
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge