

U.S. Department of Labor

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



IN THE MATTER OF:

LATESHA WILLIAMS,

ARB CASE NO. 2025-0093

COMPLAINANT,

ALJ CASE NO. 2025-NTS-00004

ALJ SCOTT R. MORRIS

v.

DATE: January 20, 2026

**MTA BUS NEW YORK CITY
TRANSIT,**

RESPONDENT.

Before KAPLAN and KIKO, Administrative Appeals Judges

DECISION AND ORDER DISMISSING APPEAL

This case arises under the National Transit Systems Security Act of 2007 (NTSSA or Act), and its implementing regulations.¹ On September 16, 2025, Complainant Latesha Williams filed a Petition for Review with the Administrative Review Board (ARB or Board) of Administrative Law Judge Scott R. Morris's Decision and Order Dismissing the Complaint for Abandonment, issued on August 19, 2025. On September 30, 2025, the Board issued a Notice of Appeal Acceptance and Briefing Order (Briefing Order), ordering Complainant to file an Opening Brief with the Board on or before October 28, 2025.

On October 1, 2025, Complainant called the Board and left a voicemail, stating that she had received notice that her appeal had been accepted, that she tried to access the Board's electronic filing system but could not so, and that she was requesting instructions for mailing a response. At the time, the federal government, including the Board, was shut down due to a lapse in funding and the ARB could not listen to or return Complainant's call. However, the Board's Briefing Order contained detailed instructions on precisely what Complainant was to file

¹ 6 U.S.C. § 1142; 29 C.F.R. Part 1982 (2025).

and how she was to file it.² Despite these instructions, Complainant did not file an Opening Brief on or before October 28, 2025, as ordered.

Upon resumption of operations after the shutdown, the Board promptly returned Complainant's call on November 13, 2025, leaving a voicemail providing the Board's mailing address and directing Complainant to page three of the Briefing Order which provided details for mailing the Board. Nevertheless, Complainant still did not file an Opening Brief and the Board received no further communications from Complainant.³

On December 9, 2025, the Board issued an Order to Show Cause, directing Complainant to file a written brief by December 23, 2025, explaining why the Board should not dismiss the appeal for failing to file an Opening Brief as ordered. The Board also ordered Complainant to file her Opening Brief with her response. The Board notified Complainant that it has the authority to issue sanctions, including dismissal, for a party's failure to comply with the Board's orders and briefing requirements. The Board warned Complainant that if it did not receive Complainant's response to the Order to Show Cause **and** Complainant's Opening Brief by the deadline, it could dismiss the appeal without further notice.

On December 29, 2025, the Board received a mailed package from Complainant. In the package, Complainant included an email directed to the Board's General Counsel and the Acting Clerk of the Appellate Boards stating "here is the information you have requested to properly have my case (complaint) heard by the Appellate Board." The email goes on to state that the accompanying

² Briefing Order at 2-6, 8.

³ On October 16, 2025, Complainant copied the Board on an email to counsel for Respondent and others. Complainant's email contains allegations against Respondent and attaches copies of (1) the Board's Briefing Order, (2) the September 26, 2025 email that constitutes Complainant's Petition for Review, and (3) the January 23, 2025 Secretary's Findings from the Occupational Safety and Health Administration. Complainant's email and the attachments do not constitute an Opening Brief.

Additionally, Complainant's email appears to be responding to a September 30, 2025 email from Respondent's counsel, which, in turn, appears to be responding to the Board's September 30, 2025 email sending a copy of the Briefing Order to the parties. The September 30 email from Respondent's counsel states: "Dear Ms. Williams – your document has been received . . ." It is not clear from the email what "document" was received or whether that document might have been an Opening Brief. To the extent the document was an Opening Brief, the Board did not receive it.

materials were previously submitted to individuals who appear to be associated with Respondent and “USDOL Representatives,” and states that “[a]ll of these managers have been properly informed by several emails and failed to respond back to me and never protected me from abusive Managers, Supervisors, and Dispatcher that resulted in workplace violence, hostile work environment, unsafe buses, and worst of all just a few months ago I was threatened by [several individuals] suffering a panic attack that almost killed me at their bus depot of responsibility.” The email forwards an older email chain between Complainant and the Office of Administrative Law Judges, in which Complainant appears to address the merits of her underlying NTSSA retaliation claim. The mailed package also included a “Notice of Alleged Safety or Health Hazard” from the New York State Department of Labor and other materials that appear related to the underlying retaliation claim.

Complainant’s December 29 submission does not comply with the Order to Show Cause. The Board ordered Complainant to file a written brief “explaining why the Board should not dismiss the appeal for failing to file an Opening Brief as ordered.” The December 29 submission does not address or attempt to justify Complainant’s failure to file a timely Opening Brief. The Board clearly articulated the briefing requirements in its Briefing Order on September 30 and attempted to reach Complainant again via telephone call on November 13. Other than vague assertions made in a voicemail left with the Board on October 1 that suggests she was confused about her briefing obligations, Complainant has not explained why she did not or could not comply with the Board’s briefing requirements, why she did not follow up after the Board returned her call on November 13, or why she took more than two months beyond her original briefing deadline to make her submission to the Board.

The December 29 submission was also late. The Board instructed Complainant to submit her response to the Order to Show Cause within 14 calendar days of the date of the Order, i.e., by December 23, 2025. Although Complainant postmarked her submission on December 22, 2025, the Board did not receive it until December 29, 2025. Per the Board’s Rules of Practice and Procedure, “[u]nless a different time is set by statute, regulation, executive order, or judge’s order, a document is considered filed when received by the Clerk of the Appellate Boards.”⁴

⁴ 29 C.F.R. § 26.3(a)(4).

As we informed Complainant in the Order to Show Cause, 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.”⁵ 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.”⁶ In this case, Complainant did not comply with the Board’s initial order to file an Opening Brief and did not comply with the Board’s subsequent order to explain why she did not meet the original deadline. Complainant failed to fully comply, even after the Board warned her that failing to abide by the Board’s orders could result in dismissal of this appeal.

While we are cognizant of Complainant’s pro se status, we also “must be able to impose appropriate sanctions . . . when [pro se complainants] fail to comply with the . . . procedures in the administrative process.”⁷ Complainant has failed to follow the Board’s orders, even after having her complaint dismissed by the ALJ for failing to follow the ALJ’s orders below. Thus, dismissal in this case is warranted.

Furthermore, even if we were to accept Complainant’s December 29 submission as an Opening Brief, we would still dismiss this appeal. The ALJ dismissed Complainant’s complaint for abandonment after Complainant disregarded the ALJ’s orders to submit a pleading complaint and participate in discovery. Complainant’s December 29 submission makes no effort to address the ALJ’s decision and reasons for dismissing her complaint. Instead, Complainant’s December 29 submission only addresses the merits of her underlying NTSSA complaint, which are irrelevant in this appeal.⁸ Despite Complainant’s pro se status, she had the obligation to identify ALJ holdings for this Board to review and identify specific objections to the ALJ’s conclusions.⁹ Having failed to do so, any

⁵ *Gonzales v. Global Crossing Airlines*, ARB No. 2025-0040, ALJ No. 2024-AIR-00029, slip op. at 2 (ARB May 16, 2025) (citation omitted) (dismissing appeal where complainant failed to file opening brief or respond to order to show cause).

⁶ *Id.* (citation omitted).

⁷ *Phox v. The Savoy at 21C*, ARB No. 2021-0057, ALJ No. 2019-FDA-00014, slip op. at 3 n.9 (ARB Jan. 6, 2022) (citations omitted).

⁸ Complainant emailed the Board on January 14, 2026, stating that she intended to add two attachments to her Petition for Review. Like the December 29 submission, it appears the attachments related to the underlying merits of her NTSSA claim, and not the reasons the ALJ dismissed her complaint.

⁹ 29 C.F.R. § 1982.110(a) (“The parties should identify in their petitions for review the legal conclusions or orders to which they object, or the objections may be deemed waived.”).

argument that the ALJ erred in concluding that Complainant abandoned her claim is waived.¹⁰

Accordingly, we **DISMISS** this appeal.

SO ORDERED.

ELLIOT M. KAPLAN
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

¹⁰ *Id.*; see also *Salyer v. Sunstar Eng'g*, ARB No. 2014-0055, ALJ No. 2012-STA-00023, slip op. at 2-3 (ARB Sept. 29, 2015) (dismissing pro se appeal where complainant did “not substantively challenge or mention the ALJ’s holdings”).