

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**CASSANDRA MCMILLAN,**

**ARB CASE NOS. 2024-0044**

**COMPLAINANT,**

**ALJ CASE NO. 2021-SOC-00003**

**ALJ WILLIAM P. FARLEY**

**v.**

**DATE: February 27, 2025**

**AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES,  
LOCAL UNION 2145,**

**RESPONDENT.**

**Appearances:**

***For the Complainant:***

**Cassandra McMillan; *Pro Se*; Yorktown, Virginia**

***For the Respondent:***

**April L. Fuller; *Roberts Labor Law and Consulting, L.L.C.*; Columbia,  
Maryland**

**Before THOMPSON and ROLFE, Administrative Appeals Judges**

**ORDER DENYING RECONSIDERATION**

**PER CURIAM:**

This case arises under Title VII of the Civil Service Reform Act of 1978 (CSRA),<sup>1</sup> and the Standards of Conduct (SOC) regulations issued pursuant to the CSRA.<sup>2</sup> On January 31, 2025, the Board issued a Decision and Order Reversing ALJ's Recommended Decision and Order. In this decision, the Board reversed the

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<sup>1</sup> 5 U.S.C. § 7101 et seq.

<sup>2</sup> 29 C.F.R. Part 458 (2024).

ALJ's recommended remedial order and ordered Respondent to reimburse Complainant \$1.72 for each payday during the period from February 1, 2020, through December 31, 2022.

On February 12, 2025, Complainant filed a Motion for Clarification arguing that the ALJ did not err when he issued the Recommended Decision and Order Awarding Remedy. Complainant also requested the Board clarify what effect accepting the ordered reimbursement will have on other members of Local 2145. We will treat this motion as a request for reconsideration.<sup>3</sup>

The Board will reconsider a decision and order only under limited circumstances, which include whether the movant has demonstrated: (i) material differences in fact or law from those presented to the Board of which the moving party could not have known through reasonable diligence, (ii) new material facts that occurred after the Board's decision, (iii) a change in the law after the Board's decision, or (iv) failure to consider material facts presented to the Board before its decision.<sup>4</sup> Complainant has not demonstrated any of the foregoing. Although Complainant has stated that "the Board did not have a chance to review the transcripts from the conference call with Mrs. McMillan and Judge Farley" and the Board would have issued a different decision had it done so, the Board has access to and has reviewed the entire record in this case.<sup>5</sup> Complainant does not present material differences in fact or law from those presented to the Board, new material facts that occurred after the Board's decision, or a change in law that occurred after the Board's decision.

The Board will take this opportunity, however, to clarify that the Complainant's acceptance of the relief ordered by the Board has no effect on the rights of non-parties, including other members of Local 2145. Further, the Board will remind Complainant of the requirements articulated in the Board's Notice of Appeal Acceptance, Electronic Filing Requirements, and Briefing Order (Briefing Order). The Briefing Order requires that, before filing any motion or other request

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<sup>3</sup> See, e.g., *Cooley v. MISA Imports Inc.*, ARB No. 2025-0005, ALJ No. 2024-SOX-00037, slip op. at 2 (ARB Jan. 22, 2025) (treating a filing submitted after a decision and order was issued as a request for reconsideration); *McCloskey v. Ameriquest Mortg. Co.*, ARB No. 2006-0033, ALJ No. 2005-SOX-00093, slip op. at 2 (ARB Mar. 26, 2008) (treating the Complainant's motion requesting that the Board vacate its Order of Remand as a request for reconsideration); *Bidwai v. Bd. of Educ. of Prince George's Cnty.*, ARB No. 2012-0072, ALJ No. 2011-LCA-00029, slip op. at 2 (ARB Oct. 17, 2012) (treating the complainant's motion to reinstate the complaint and recuse the Board's Administrative Appeals Judges and General Counsel as a request for reconsideration).

<sup>4</sup> *Kossen v. Empire Airlines*, ARB No. 2022-0004, ALJ No. 2019-AIR-00022, slip op. at 2 (ARB July 19, 2023).

<sup>5</sup> Mot. for Clarification at 1.

for non-dispositive action or relief with the Board, the moving party must make a good faith effort to confer with all other parties to ascertain whether they consent to the action or relief sought. Additionally, the moving party must state in its motion whether the other parties' consent to the action or relief sought or, if no conference occurred. The Board may summarily deny any subsequent motions that do not comply with this requirement.<sup>6</sup> The Board may also summarily deny subsequently filed motions that are, in substance, duplicative of the motions the Board denies today.<sup>7</sup>

Complainant's Motion for Clarification is **DENIED**.<sup>8</sup>

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<sup>6</sup> Briefing Order at 5.

<sup>7</sup> See *Bidwai v. Bd. of Educ. of Prince George's Cnty.*, ARB No. 2012-0072, ALJ No. 2011-LCA-00029, slip op. at 2-3 (ARB Nov. 5, 2012) (recognizing the Board's ability to refuse to entertain duplicative motions for reconsideration and requiring a party to obtain the Board's permission prior to filing additional motions of any kind).

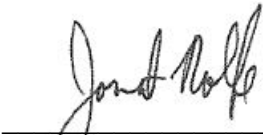
<sup>8</sup> On February 14, 2025, two days after Complainant filed this Motion for Clarification, Complainant filed a motion titled "Motion to Grant Appeal Access to ARB Case No. 2024-0044 for Local 2145 Members Seeking a Refund for \$130.72 for Improper Dues Deduction." This motion requests the Board permit other members of Local 2145 to submit filings through the Board's electronic filing system (EFS). This motion is **DENIED**. On the same date, Deneen Harris, a member of Local 2145 and non-party to this litigation, filed a motion titled "Motion to Reconsider ARB Final Decision/Motion to Consolidate/Motion for Class Action Certificate/Motion to Intervene/Motion for Enforcement." This motion requests the Board to (i) reconsider its decision, (ii) certify a class proceeding, and/or (iii) remand the case to ALJ Farley to permit him to consider certifying a class proceeding. As already discussed, the limited circumstances warranting reconsideration are not present here. Accordingly, Ms. Harris' motion is **DENIED**. Respondent and Complainant have also filed submitted additional filings as replies to Complainant's motion for clarification. One of these filings, however, is styled as Complainant's Motion to Deny the Respondent [sic] Reply to Complainant's Motion to Grant Appeal Access to Case No. 2024-0044 For Local for Local 2145 Members Seeking a Refund for \$130.72 for Improper Dues Deduction." This motion is **DENIED**.

**SO ORDERED.**



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**ANGELA W. THOMPSON**  
**Administrative Appeals Judge**



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**JONATHAN ROLFE**  
**Administrative Appeals Judge**