

U.S. Department of Labor

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



IN THE MATTER OF:

MADHURI TRIVEDI,

ARB CASE NO. 2022-0026

COMPLAINANT,

ALJ CASE NO. 2022-SOX-00005

ALJ TIMOTHY J. McGRATH

v.

DATE: October 24, 2023

**GENERAL ELECTRIC and
GE HEALTHCARE,**

RESPONDENTS.

Appearances:

For the Complainant:

Madhuri Trivedi; *pro se*; Boston Massachusetts

For the Respondents:

**Tomasita L. Sherer, Esq. and Cassandra Beckman Widay, Esq.;
Dentons US LLP; New York, New York**

**Before HARTHILL, Chief Administrative Appeals Judge, and PUST,
Administrative Appeals Judge**

**ORDER DENYING COMPLAINANT'S THIRD MOTION FOR
RECONSIDERATION**

PER CURIAM:

This case arises under the whistleblower protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act (SOX), 18 U.S.C. § 1514A, its implementing regulations at 29 C.F.R. Part 1980, and the Consumer Financial Protection Act of 2010 (CFPA), Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. § 5567. Madhuri Trivedi (Complainant) filed a whistleblower

complaint against General Electric and GE Healthcare (Respondents) for alleged retaliation.¹ The Administrative Law Judge (ALJ) issued an Order Denying Complaint for Failure to Timely File, finding that Complainant had missed the 180-day filing deadline by several years and determining that the legal test for equitable tolling had not been met.² Complainant appealed the ALJ's decision to the Administrative Review Board (Board).³ On August 24, 2022, the Board issued a Decision and Order (D. & O.) affirming the ALJ's determination and dismissed the complaint.⁴

On September 14, 2022, Complainant requested that the Board reconsider its decision and hold a re-hearing en banc.⁵ On October 28, 2022, the Board denied Complainant's motion for reconsideration because Complainant's arguments for reconsideration did not establish sufficient grounds within the limited circumstances for reconsideration.⁶

On November 8, 2022, Complainant filed a second request for reconsideration, which raised similar arguments as in her first request for reconsideration.⁷ On January 27, 2023, the Board denied Complainant's motion.⁸ The Board determined that it had already considered Complainant's arguments and those arguments did not meet the standard for reconsideration cited in the Board's first order denying reconsideration dated October 28, 2022.⁹

On August 20, 2023, Complainant filed a motion to amend her pleading. There is, however, no pleading or other filing pending before the Board to amend.

¹ *Trivedi v. Gen. Elec. and GE Healthcare*, ARB No. 2022-0026, ALJ No. 2022-SOX-00005, slip op. at 4 (ARB Aug. 24, 2022).

² *Id.* at 5.

³ *Id.*

⁴ *Id.* at 11.

⁵ Complainant's Petition for Rehearing and Rehearing En Banc and Motion for Reconsideration (Sept. 14, 2022).

⁶ *Trivedi v. Gen. Elec. and GE Healthcare*, ARB No. 2022-0026, ALJ No. 2022-SOX-00005 (ARB Oct. 28, 2022) (Order Denying Reconsideration).

⁷ Complainant's Motion to Recuse, Motion to Vacate Denial of the Motion for Reconsideration Issued on October 28, 2022, and Motion to Rule on Pending Petition for Rehearing En Banc (November 8, 2022).

⁸ *Trivedi v. Gen. Elec. and GE Healthcare*, ARB No. 2022-0026, ALJ No. 2022-SOX-00005 (ARB Jan. 27, 2023) (Order Denying Complainant's First, Second, and Third Motion to Recuse, Motion to Vacate Denial the Motion for Reconsideration, and Motion for Rehearing En Banc).

⁹ *Id.*; see *Trivedi*, ARB No. 2022-0026 (ARB Oct. 28, 2022).

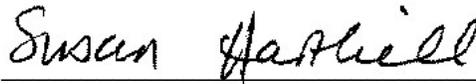
The last event in this case was the Board's January 27, 2023 denial of Complainant's second request for reconsideration. As such, the Board will interpret Complainant's motion to amend as a third request for reconsideration.

The Board is authorized to reconsider a decision upon receiving a motion for reconsideration within a reasonable time of the date of which the decision was issued.¹⁰ In applying this timeliness requirement, the Board has presumed a motion for reconsideration is timely when the motion was filed within a short time after the decision.¹¹ In prior cases, the Board has determined that motions for reconsideration filed thirty-four days, sixty days, and four months after the Board's decision were not timely.¹²

In the present matter, Complainant filed her third motion for reconsideration over six months after the Board denied her second motion for reconsideration. Thus, we find that Complainant has not filed this motion within a reasonable time.

Accordingly, Complainant's third motion for reconsideration is **DENIED**. The Board will not consider any additional motions for reconsideration.

SO ORDERED.¹³



SUSAN HARTHILL
Chief Administrative Appeals Judge



TAMMY L. PUST
Administrative Appeals Judge

¹⁰ *Klein v. Bank of Am.*, ARB No. 2022-0016, ALJ No. 2020-SOX-00039, slip op. at 2 (ARB May 19, 2022) (Order Denying Reconsideration).

¹¹ *Id.*

¹² *Id.*

¹³ In any appeal of this Decision and Order that may be filed, we note that the appropriately named party is the Secretary, Department of Labor, not the Administrative Review Board.