

U.S. Department of Labor

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



In the Matter of:

KEVIN JUDY,

ARB CASE NO. 2021-0015

COMPLAINANT,

ALJ CASE NO. 2019-STA-00054

v.

DATE: January 10, 2022

COVENANT TRANSPORT, INC.,

RESPONDENT.

Appearances:

For the Complainant:

Kevin Judy; *pro se*; Orlando, Florida

For the Respondent:

John R. Bode, Esq.; *Miller & Martin PLLC*; Chattanooga, Tennessee

Before: James D. McGinley, *Chief Administrative Appeals Judge*, Thomas H. Burrell, Randel K. Johnson, and Stephen M. Godek, *Administrative Appeals Judges*

ORDER

PER CURIAM. This case arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105(a) (2007) (STAA), as amended, and its implementing regulations at 29 C.F.R. Part 1978 (2020). On December 15, 2021, the Administrative Review Board (Board) issued an Order Denying Complainant's Motion for Reconsideration. On December 29, 2021, the Complainant submitted a petition for further review by the Secretary of Labor. The Board has also received Respondent's opposition to Complainant's request.

Be it so ordered that the Board denies Complainant's petition to the extent that it requests the Board to refer this matter to the Secretary for review. Thus, unless the Secretary directs the Board to refer this matter to him,¹ the Board's decision will become the final action of the Department on January 26, 2022 (after the passage of 28 calendar days from the date on which the petition was filed).²

SO ORDERED.

¹ The Secretary may direct that the Board refer this matter to him until January 12, 2022 ("At any point during the first 28 calendar days after the date on which a decision [in this instance, the Board's Order Denying Reconsideration issued December 15, 2021] was issued, the Secretary may, in his or her sole discretion, direct the Board to refer such decision to the Secretary for review."). Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 85 Fed. Reg. 13186 at 6(b)(2) (Mar. 6, 2020).

² Secretary's Order No. 01-2020 at 6(a)(2).