

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**JOHN DEVOE,**

**ARB CASE NO. 2025-0011**

**COMPLAINANT,**

**ALJ CASE NO. 2024-STA-00061**

**ALJ WILLIAM P. FARLEY**

**v.**

**DATE: January 28, 2025**

**AMSA CONTRACTORS, INC.,**

**RESPONDENT.**

**Before WARREN, Acting Chief Administrative Appeals Judge, and ROLFE,  
Administrative Appeals Judge**

**DECISION AND ORDER DISMISSING PETITION FOR REVIEW**

**PER CURIAM:**

This case arises under the Surface Transportation Assistance Act of 1982 (STAA), as amended, and its implementing regulations.<sup>1</sup> On November 20, 2024, Complainant John DeVoe filed a Petition for Review with the Administrative Review Board (Board) of Administrative Law Judge William P. Farley's Decision and Order Denying Complaint, issued on November 5, 2024. The Board issued a Notice of Appeal Acceptance, Electronic Filing Requirements, and Briefing Order (Briefing Order) on November 26, 2024. The Briefing Order required Complainant to file an opening brief by December 24, 2024 (28 calendar days from the Board's Briefing Order). Complainant did not file an opening brief as ordered.

Consequently, on January 8, 2025, the Board issued an Order to Show Cause requiring Complainant to show cause why the Board should not dismiss his appeal

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<sup>1</sup> 49 U.S.C. § 31105(a); 29 C.F.R. Part 1978 (2024).

due to his failure to file an opening brief. The Board ordered Complainant to file his response to the Order to Show Cause, as well as a copy of his opening brief, by January 22, 2025 (14 calendar days from the Board's Order to Show Cause). The Board cautioned Complainant that "[i]f the Board does not receive Complainant's response to this Order and Opening Brief within fourteen (14) calendar days of the issuance of this Order, the Board may dismiss the appeal without further notice to the parties." Nevertheless, Complainant did not file a response or an opening brief as ordered.

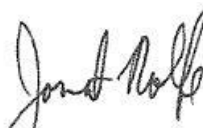
The Board has the inherent "power to dismiss a case for failure to prosecute in an effort to control its docket and to promote the efficient disposition of its cases."<sup>2</sup> Pursuant to this authority, the Board "may dismiss a complaint in a case in which the complainant failed to comply with the Board's orders."<sup>3</sup> Complainant failed to file an opening brief as ordered by the Board. The Board then gave Complainant the opportunity to explain why he failed to file his opening brief, and explicitly warned him that failure to do so could result in dismissal of his appeal. Given Complainant's failure to respond to, and comply with, the Board's orders, we **DISMISS** Complainant's appeal.

**SO ORDERED.**




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**IVEY S. WARREN**  
Administrative Appeals Judge




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**JONATHAN ROLFE**  
Administrative Appeals Judge

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<sup>2</sup> *Collins v. Next Marketing, Inc.*, ARB No. 2023-0057, ALJ No 2023-STA-00003, slip op. at 2 (ARB Oct. 24, 2023) (dismissing the appeal where Complainant failed to respond to, and comply with, the Board's orders).

<sup>3</sup> *Id.* (citations omitted).