



IN THE MATTER OF:

SLADE CAGLE,

COMPLAINANT,

v.

**BROKEN ARROW
EXCAVATION LLC,**

RESPONDENT.

ARB CASE NO. 2025-0044

ALJ CASE NO. 2024-STA-00049

ALJ DAN C. PANAGIOTIS

DATE: May 9, 2025

Appearances:

For the Complainant:

Slade Cagle; *Pro Se*; Denton, Texas

For the Respondent:

William Scazzero, Esq.; *Hayes, Berry, White & Vanzant, LLP*; Denton, Texas

**Before JOHNSON, Chief Administrative Appeals Judge, and BURRELL,
Administrative Appeals Judge**

DECISION AND ORDER

PER CURIAM:

This case arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA or Act) and its implementing regulations.¹ On March 15, 2025, Complainant Slade Cagle filed a Petition for Review with the Administrative Review Board (ARB or Board), appealing a United States Department of Labor Administrative Law Judge's Decision and Order, issued March 5, 2025, dismissing Complainant's complaint against Respondent Broken Arrow Excavation LLC. Currently pending before the ARB are: (1) Complainant's

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

Motion to Withdraw Appeal (Motion to Withdraw), and (2) Respondent’s Response to Petitioner’s Appellate Brief, which includes a request for sanctions against Complainant (Motion for Sanctions). For the reasons set forth below, we dismiss this appeal and deny the request for sanctions.

1. Dismissal of Appeal

On March 19, 2025, the ARB issued a Notice of Appeal Acceptance, Electronic Filing Requirements, and Briefing Order (Briefing Order), which, among other things, ordered Complainant to file an opening brief in support of his Petition for Review by April 16, 2025. Complainant did not file an opening brief as ordered. Instead, on April 14, 2025, Complainant filed the Motion to Withdraw. In the Motion to Withdraw, Complainant stated “Complainant prays the court withdraw my appeal and for any other relief that I am entitled.”

The STAA regulations provide that “a party may withdraw a petition for review of an ALJ’s decision at any time before that decision becomes final by filing a written withdrawal with the ARB.”² The regulations give the ARB the discretion to determine whether to approve the request for withdrawal.³ The same provision specifies that if a petition for review is “withdrawn because of settlement, the settlement must be submitted for [the ARB’s] approval.”⁴ Consistent with these regulations, the Briefing Order stated that if Complainant wished to withdraw his appeal, he “must certify under penalty of perjury that the withdrawal is not based on a settlement.”⁵

Complainant did not state or certify in his Motion to Withdraw whether his request to withdraw his appeal was based on a settlement. Consequently, the Board issued an Order on April 23, 2025 (Certification Order), ordering Complainant to certify by April 30, 2025, that this matter had not been resolved by a settlement or, in the alternative, to file a copy of any settlement agreement for consideration by the Board. Complainant did not file a response to the Certification Order.

² 29 C.F.R. § 1979.111(c).

³ *Id.*

⁴ *Id.*; see also *id.* § 1979.111(d)(2) (“At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement if the settlement is approved by the . . . ARB . . . A copy of the settlement will be filed with the . . . ARB.”).

⁵ Briefing Order at 6, ¶ 3.C.

In consideration of Complainant’s request to withdraw his appeal, his failure to abide by the Board’s orders,⁶ and the apparent lack of a settlement in this case,⁷ the Board hereby **DISMISSES** this appeal.

2. Motion for Sanctions

Respondent filed its Motion to Sanctions on April 25, 2025. Respondent asserts that Complainant’s appeal was filed in bad faith and requests “dismissal of this appeal, and [the award of] sanctions, costs, and such other and further relief that may be awarded at law or in equity.”⁸ Absent statutory authority, the ARB cannot award monetary sanctions.⁹ Additionally, Respondent has not identified any other sanction—besides dismissal, which has been ordered for the reasons set forth above—that would be appropriate in this case. Accordingly, Respondent’s Motion for Sanctions is **DENIED**.

SO ORDERED.

RANDEL K. JOHNSON
Chief Administrative Appeals Judge

THOMAS H. BURRELL
Administrative Appeals Judge

⁶ See *DeVoe v. AMSA Contractors, Inc.*, ARB No. 2025-0011, ALJ No. 2024-STA-00061, slip op. at 2 (ARB Jan. 28, 2025) (stating that the Board “may dismiss a complaint in a case in which the complainant failed to comply with the Board’s orders.”) (quoting *Collins v. Next Marketing, Inc.*, ARB No. 2023-0057, ALJ No. 2023-STA-00003, slip op. at 2 (ARB Oct. 24, 2023)).

⁷ Although neither party’s filings thus far explicitly state that there was no settlement, it is clear from Respondent’s Motion for Sanctions that the parties did not settle this case.

⁸ Motion for Sanctions at 4.

⁹ *Jackson v. Smedema Trucking, Inc.*, ARB Nos. 2007-0011, 2008-0052, ALJ Nos. 2005-STA-00044, 2006-STA-00036, slip op. at 6 (ARB Sept. 30, 2008) (citing *Windhauser v. Trane*, ARB No. 2005-0127, ALJ No. 2005-SOX-00017, slip op. at 3-4 (ARB Oct. 31, 2007)).