

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**TESIA THOMAS,**

**ARB CASE NO. 2023-0055**

**COMPLAINANT, ALJ CASE NO. 2023-WPC-00004  
ALJ CARRIE BLAND**

**v.**

**DATE: March 11, 2025**

**DUPONT SPECIALTY  
PRODUCTS USA, LLC and  
ON-BOARD SERVICES,  
INC.,**

**RESPONDENTS.**

**Appearances:**

***For the Complainant:***

**Tesia Thomas; *Pro Se*; Mentor, Ohio**

***For the Respondents:***

**James P. Verdi, Esq.; *Jackson Lewis, P.C.*; Cleveland, Ohio; Patrick W. Dennison, Esq.; *Fisher & Phillips, LLP*; Pittsburgh, Pennsylvania; and M. Robin Repass, Esq.; *Fisher & Phillips, LLP*; Washington, District of Columbia**

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

**ORDER DENYING RECONSIDERATION**

**PER CURIAM:**

This case arises from a complaint filed by Tesia Thomas (Complainant) against DuPont Specialty Products, LLC and On-Board Services Inc. (Respondents), alleging retaliation in violation of the whistleblower protection provisions of the

Clean Air Act (CAA),<sup>1</sup> the Federal Water Pollution Control Act (FWPCA),<sup>2</sup> and the Toxic Substances Control Act (TSCA),<sup>3</sup> and their implementing regulations at 29 C.F.R. Part 24.<sup>4</sup> On September 22, 2023, the Administrative Law Judge (ALJ) dismissed the complaint finding it untimely under each applicable statutory deadline, and that Complainant did not establish a basis to equitably modify the filing deadline. Complainant appealed to the Administrative Review Board (Board). On February 19, 2024, the Board affirmed the ALJ's decision.

On February 26, 2024, Complainant filed a petition seeking reconsideration of the Board's decision. On March 5, 2025, Respondent DuPont Specialty Products filed a motion opposing Complainant's request for reconsideration. Complainant filed a response on March 6, 2024. On March 10, 2025, Respondent On-Board Services filed a motion opposing Complainant's request for reconsideration. For the following reasons, we deny Complainant's motion.

The Board will reconsider a decision and order only under limited circumstances.<sup>5</sup> In considering whether to reconsider a decision, the Board considers 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>6</sup>

Complainant's motion does not fall within any of the limited circumstances warranting reconsideration. Her sole argument is that the Board failed to consider material facts that were known to the Board prior to making its decision. Specifically, she argues that the Board should reconsider its decision because it did not consider the specific environmental complaints from her April 12, 2022 OSHA complaint, and she requests that the Board explain why "some sort of sulfuric acid" would not implicate the TSCA, CAA, and FWPCA. This simply repeats arguments that she raised in her original appeal that the Board considered and rejected. We will not address them again on reconsideration.<sup>7</sup>

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<sup>1</sup> 42 U.S.C. § 7622.

<sup>2</sup> 33 U.S.C. § 1367.

<sup>3</sup> 15 U.S.C. § 2622.

<sup>4</sup> 29 C.F.R. Part 24 (2024).

<sup>5</sup> *Shah v. Albert Fried & Co.*, ARB No. 2020-0063, ALJ No. 2019-SOX-00015, slip op. at 2 (ARB Jan. 31, 2023) (Order Denying Second Motion for Reconsideration).

<sup>6</sup> *Clark v. Hamilton Hauling, LLC*, ARB No. 2013-0023, ALJ No. 2011-STA-00007, slip op. at 2 (ARB July 24, 2014) (Order Denying Motion for Panel Reconsideration).

<sup>7</sup> *See Heyward v. Benore Logistic Sys., Inc.*, ARB No. 2021-0023, ALJ No. 2020-STA-00117 (ARB Sept. 7, 2021) (Order Denying Reconsideration) (denying motion for

Accordingly, the Board **DENIES** Complainant's Petition for Reconsideration.

**SO ORDERED.**

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

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

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reconsideration where a party repeated arguments already raised in his original appeal); *Jackson v. CPC Logistics*, ARB No. 2007-0006, ALJ No. 2006-STA-00004 (ARB Jan. 29, 2009) (Order Denying Reconsideration) (denying motion for reconsideration where a party repeated his prior arguments).