



IN THE MATTER OF:

MICHAEL JOHNSON,

ARB CASE NO. 2020-0051

COMPLAINANT,

ALJ CASE NO. 2019-STA-00065

v.

DATE: November 19, 2020

MICHIGAN CARPET DELIVERY,

RESPONDENT.

ORDER DISMISSING COMPLAINT

By Order dated September 24, 2020, the Administrative Review Board (Board or ARB) issued a briefing order in the above captioned case. Complainant's opening brief was due on or before October 22, 2020.

On October 26, 2020, Respondent requested that the Board dismiss Complainant's appeal for failure to file a timely brief. Subsequently, on October 29, 2020, the Board issued an Order to Show Cause to Complainant explaining why his case should not be dismissed for failure to file his opening brief and ordering Complainant to file his brief with any response.

On November 12, 2020, Complainant submitted his response to the Order to Show Cause. Along with his response to the Order to Show Cause, Complainant requested an additional 60 days to file his opening brief. Complainant provided reasons for the delay in filing his brief with which we are sympathetic. However, the Board's authority to effectively manage its docket, including authority to require compliance with the Board briefing orders, is necessary to "achieve orderly and expeditious disposition of cases."¹ This Board has authority to issue sanctions,

¹ *McCray v. Automotive Component Carrier, LLC*, ARB No. 2016-0050, ALJ No. 2011-STA-00053 (ARB Aug. 4, 2016); see also *Link v. Wabash*, 370 U.S. 626, 630-31 (1962).

including dismissal, for a party's failure to comply with the Board's orders and briefing requirements.²

While Complainant provided the Board with some explanation of the difficulties and hardships in his life, he has not provided good cause to excuse his failure to file his initial brief, or in the alternative, to file a motion requesting an extension to file his brief prior to the due date. Accordingly, this case is **DISMISSED**.

FOR THE ADMINISTRATIVE REVIEW BOARD:



JAMES D. MCGINLEY
Chief Administrative Appeals Judge

NOTE: Questions regarding any case pending before the Board should be directed to the Board's staff. Telephone: (202) 693-6200; Facsimile (202) 693-6220

²

Id.