



In the Matter of:

SHARYN ERICKSON,

ARB CASE NO. 05-057

COMPLAINANT,

ALJ CASE NO. 04-CAA-00007

v.

DATE: January 30, 2007

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 4,
ATLANTA, GA.,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DENYING COMPLAINANT'S MOTION TO REOPEN RECORD

In March 2004, Sharyn Erickson petitioned for review of an Administrative Law Judge (ALJ) order denying Erickson's motion to reopen the records in two environmental whistleblower cases Erickson had brought against her employer, the Environmental Protection Agency ("*Erickson I*," and "*Erickson II*").¹ In each case, the ALJ had issued a Recommended Decision & Order (R. D. & O.) in which he found that Erickson had sustained compensable injuries, EPA had filed timely appeals, and jurisdiction had lodged with this Board. See *Erickson v. EPA*, ARB No. 05-057, n.1 (ARB June 23, 2006) (order establishing briefing schedule).

¹ Erickson also petitioned for interlocutory review of the ALJ's order recusing himself from ALJ Docket No. 04-CAA-00007. We dismissed the petition for interlocutory review of the ALJ's recusal order in *Erickson v. EPA*, ARB No. 04-071, (ARB Apr. 30, 2004) (order dismissing interlocutory appeal).

Erickson sought to reopen the record in each case to present evidence that she sustained additional compensable injuries after the records closed in *Erickson I* and *Erickson II*. We denied Erickson's motion to reopen the record in *Erickson I* on grounds of mootness after we issued a Final Decision and Order in which we dismissed Erickson's *Erickson I* complaints on the merits. *Cf. Erickson v. EPA*, ARB Nos. 03-002, 03-003, 03-004, 03-064, ALJ Nos. 1999-CAA-2, 2001-CAA-8, 2001-CAA-13, 2002-CAA-3, 2002-CAA-18 (ARB May 31, 2006).

We now **DENY** Erickson's motion to reopen the record in *Erickson II*, again on grounds of mootness, based on our Final Decision and Order dismissing Erickson's *Erickson II* complaints on the merits. *Cf. Erickson v. EPA*, ARB Nos. 04-024, 04-025, ALJ Nos. 03-CAA-11, 03-CAA-19, 04-CAA-1 (ARB Oct. 31, 2006).

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
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