



In the Matter of:

DAVID MARSHALL HIGH,

ARB CASE NO. 98-075

COMPLAINANT,

ALJ CASE NO. 96-CAA-8

v.

DATE: September 18, 1998

LOCKHEED MARTIN ENERGY SYSTEMS, INC.;
LOCKHEED MARTIN CORPORATION;
OAK RIDGE OPERATIONS OFFICE; and
UNITED STATES DEPARTMENT OF ENERGY;

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

On June 18, 1998, the Board issued an order granting Complainant David Marshall High's request for an extension of time in which to file his initial brief and ordering Complainant to file his brief on or before July 15, 1998. On July 22, 1998, Complainant asked for a "stay," *i.e.*, an extension of the briefing schedule. On September 1, 1998, the Board granted Complainant an extension of time until September 15, 1998, to file his brief. The Board emphasized that "the briefing schedule in this case was first set in February 1998, and we would look with great disfavor on any attempt by Complainant to further delay briefing. Therefore, any subsequent requests for extensions by Complainant will be denied." September 1, 1998 Order at 2. On September 9, 1998, Complainant requested a "short extension of thirty days" within which to file his brief.

The request for a thirty day extension of time within which to file Complainant's brief is denied. Complainant has been granted several extensions of time, which in total have given him over five and one half months in which to prepare his brief. In our order granting his last request for an extension we warned against further attempts to delay briefing. In light of the fact that Complainant requested the extension, by facsimile, on the night of September 9, 1998, and his brief was not due until September 15, 1998, we will accept the filing of Complainant's brief **within 5 days** of receipt of this order. Any opening brief filed by Complainant after that time will be rejected. Respondents may file reply briefs **within 35 days** of receipt of this order.

Complainant may file a rebuttal brief **within 15 days** of the filing of Respondents' briefs. All other provisions of the Board's order of June 18, 1998, shall continue to apply.

SO ORDERED.

PAUL GREENBERG

Member

CYNTHIA L. ATTWOOD

Acting Member