



In the Matter of:

**BRENDA W. SHELTON,**

**ARB CASE NO. 98-100**

**COMPLAINANT,**

**ALJ CASE NO. 95-CAA-19**

**v.**

**DATE: August 26, 1998**

**OAK RIDGE NATIONAL LABORATORY;  
LOCKHEED MARTIN ENERGY SYSTEMS, INC.;  
MARTIN MARIETTA CORPORATION;  
MARTIN TECHNOLOGIES, INC.; LOCKHEED  
MARTIN CORPORATION; UNITED STATES  
U.S. DEPARTMENT OF ENERGY;**

**RESPONDENTS.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**ORDER**

In an order dated June 22, 1998, the Board granted Complainant Shelton's request for an extension of time in which to file her opening brief and ordered Complainant to file her brief on or before July 22, 1998. On July 22, 1998, Complainant filed several motions in the form of a letter to the Executive Director of the Administrative Review Board: a Motion *in Limine* for an order declaring that certain recent Supreme Court decisions are applicable to this case as well to as to other whistleblower cases; a Motion to Supplement the Record; and a motion for "stay," *i.e.*, an extension of the briefing schedule.

The Motion *in limine* is denied. Complainant can cite and discuss any applicable authority in her brief on the merits. It would not be appropriate to issue the advisory opinion that Complainant requests divorced from the facts of a specific case.

Complainant also moves to supplement the record with a newspaper article about retaliation and reprisal against Department of Energy employees. Complainant attached a typed copy of the article to her motion. The motion is denied. The article is hearsay, and there is nothing in the article that appears directly relevant to the facts in this case.

Complainant's motion for an extension of time to file her brief is granted. We emphasize however, that we would look with great disfavor on any attempt by Complainant to further delay briefing in this case. Therefore, any subsequent requests for extensions by Complainant will be denied. Complainant shall file her brief on or before **September 9, 1998**. Respondents may file

reply briefs on or before **October 9, 1998**. Complainant may file a rebuttal brief on or before **October 23, 1998**. All the other provisions of the Order Denying Interlocutory Appeal and Amending Briefing Schedule of June 22, 1998 shall continue to apply.

**SO ORDERED.**

**PAUL GREENBERG**

Member

**CYNTHIA L. ATTWOOD**

Acting Member