



In re: DANIEL E. SOMERSON,

ARB CASE NO. 03-068

ALJ CASE NOS. 2002-STA-44
2003-STA-11

DATE: October 21, 2003

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Edward A. Slavin, Jr., Esq., *St. Augustine, Florida*

FINAL ORDER DISMISSING APPEAL

On February 12, 2003, Complainant Daniel S. Somerson filed a “Petition for Review of February 6, 2003 DOL OALJ Letter and Motion For Immediate Remand To Retired DOL OALJ Judge David DiNardi” with the Administrative Review Board (Board or ARB). In the petition for review, Somerson averred, “We have received an unfriendly February 6, 2003 letter” from two Department of Labor Administrative Law Judges. On March 6, 2003, the Board issued an order to Show Cause no later than March 19, 2003, why the Board should not dismiss the appeal for lack of jurisdiction to review an Administrative Law Judge’s letter.

On March 14, 2003, Somerson filed a motion seeking an extension of time in which to file a response to the Board’s show cause order. The Board granted the motion, stating, “The response if received on or before **March 31, 2003** will be accepted as filed.” Somerson did not file a timely response pursuant to the Board’s order. *See Somerson v. Mail Contractors of America*, ARB No. 03-042, ALJ No. 03-STA-11 (ARB Oct. 14, 2003).

The Board has jurisdiction to review an Administrative Law Judge’s decisions under the Surface Transportation Assistance Act, 49 U.S.C.A § 31105 (West 1997). 29 C.F.R. § 1978.109(a); Secretary’s Order 1-2002, 67 Fed. Reg. 64272 (Oct. 17, 2002)(delegating the Secretary’s authority to issue final decisions under the STAA to the Board). However, as the Board stated in its Order to Show Cause, Somerson has failed to

cite to and the Board is unaware of any statutory provision or regulation, which invests the Board with jurisdiction to review a Department of Labor Administrative Law Judge's "unfriendly letter." Accordingly, we **DISMISS** Somerson's appeal.

SO ORDERED.

OLIVER M. TRANSUE
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge