



In the Matter of:

LESZEK VOGT,

CASE NO. 94-STA-1

COMPLAINANT,

DATE: September 25, 1996

v.

ATLAS TOURS, LTD.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER

The record shows that Complainant received a copy of the Final Decision and Order issued in this case on June 24, 1996. On September 13, 1996, the Board received Complainant's Opening Brief, a late-tendered exhibit that Complainant sought to enter in the record, and a book entitled *Federal Motor Carrier Safety Regulations*.

The original due date for the parties' briefs was April 4, 1996. On Complainant's request, the time for filing briefs was enlarged until April 30, 1996. Neither Complainant nor Respondent timely filed a brief before the Secretary (*see n.1 in fra*) or this Board.

We are aware that Complainant has proceeded *pro se*. Complainant explained that he filed the brief more than four months late because he could not afford an attorney and had to "dovetail [his] fluctuating work schedule and [his] personal life." He provided no excuse, however, for not requesting a further extension of time prior to the April 30, 1996 due date. We deem Complainant's

^{1/} On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order, and regulations under which the Administrative Review Board now issues final agency decisions. Final procedural revisions to the regulations implementing this reorganization were also promulgated on that date. 61 Fed. Reg. 19982.

request that we accept the brief and the late-tendered evidence to constitute a request for reconsideration of our final decision. In the interest of finality and fairness, we deny the request and we will not consider the brief or the tendered evidence.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member