



In the Matter of:

PATRICIA ANDERSON,

ARB CASE NO. 04-072

COMPLAINANT,

ALJ CASE NO. 2004-ERA-15

v.

DATE: June 10, 2004

ENVIRONMENTAL PROTECTION AGENCY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Edward A. Slavin, Jr.

FINAL DECISION AND ORDER

BACKGROUND

The Complainant, Patricia Anderson, has filed a complaint under the Energy Reorganization Act, 42 U.S.C.A § 5851 (West 1995) (ERA). On February 13, 2004, Anderson filed a request for a hearing with Chief Judge John Vittone. When the Office of Administrative Law Judges (OALJ) had not responded to this request by March 25, 2004, Anderson petitioned the ARB to review the OALJ's failure to "hold a timely hearing" pursuant to 29 C.F.R. § 24.6 (2003)."

The Secretary of Labor has delegated to the Administrative Review Board the authority to review Administrative Law Judges' decisions under the ERA. Secretary's Order 1-2002, 67 Fed. Reg. 64272 (Oct. 17, 2002). However, Anderson has not petitioned the Board to review an ALJ's decision. Accordingly, the Board ordered Anderson to show cause no later than April 23, 2004, why the Board should not dismiss her petition for lack of jurisdiction. Because the attorney representing Anderson has

failed on several occasions to timely respond to the Board's Show Cause Orders,¹ the Board cautioned Anderson that "[f]ailure to timely reply to this Order may result in dismissal of this petition without further notice." Anderson failed to respond as ordered and therefore failed to prosecute her case.

DISCUSSION

The ARB has the inherent power to dismiss cases for want of prosecution. *See, e.g., Blodgett v. Tennessee Dep't of Env't. & Conservation*, ARB No. 03-138, ALJ No. 03-CAA-15 (ARB Mar. 22, 2004) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)). The Board explained that this power is not governed by a specific statute but is inherent in the control "necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Id.* The Board uses this power to manage its docket and promote the efficient disposition of cases. *Mastrianna v. Northeast Utilities Corp.*, ARB No. 99-012, ALJ. No. 98-ERA-33, slip op. at 2 (ARB Sept. 13, 2000).

Accordingly, because in failing to respond to our Show Cause Order, Anderson has failed to prosecute her case, we **DISMISS** her complaint.

SO ORDERED.

JUDITH S. BOGGS
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

¹ *See e.g., Blodgett v. Tennessee Dep't of Env't. and Conservation*, ARB No. 03-043, ALJ 03-CAA-7 (ARB Mar. 19, 2004); *Gass v. Lockheed Martin Energy Systems, Inc.*, ARB No 03-093, ALJ No. 00-CAA-22 (ARB Jan. 29, 2004); *In re: Daniel Somerson*, ARB No. 03-068, ALJ Nos. 2002-STA-14, 2003-STA-11 (ARB Oct. 21, 2003).