



In the Matter of:

VINCENT SERRANO,

ARB CASE NO. 09-019

COMPLAINANT,

ALJ CASE NO. 2008-NTS-001

v.

DATE: January 29, 2009

**METROPOLITAN TRANSIT AUTHORITY,
NEW YORK CITY TRANSIT AUTHORITY,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER OF CASE CLOSING

On October 17, 2008, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order (R. D. & O) in this case arising under the employee protection provisions of the National Systems Security Act (NTSSA).¹ The Department of Labor has not yet enacted regulations governing the procedures to be followed to obtain Administrative Review Board review of Recommended Decision and Orders under the NTSSA.² Consequently, the ALJ referred the case to the Board for possible review.

In response, the Board issued an Order dated November 20, 2008, notifying the parties that if a party wished the Board to review the ALJ's R. D. & O., the party must file a petition for review with the Board no later than ten (10) business days from the date of the Order, requesting the Board to review the R. D. & O. The Order stated that the petition for review must specifically identify the findings, conclusions, or orders to which

¹ Pub. L. No. 110-53 § 1413 (Aug. 3, 2007).

² NTSSA section 1413(c) provides for the Secretary of Labor to issue final administrative decisions under this Act. The Secretary has in turn delegated her authority to make such final decisions to the Administrative Review Board. *See* Secretary's Order No. 1-2002, 67 Fed. Reg. 64,272, § 4(b)(44) (Oct. 17, 2002)

the party objected and that the Board will ordinarily consider any objection not specifically listed as waived by the party.

The Order cautioned the parties, “[i]f the Board does not receive any petitions for review within the ten (10) day period, the Board will issue an order closing the case, and the ALJ’s R. D. & O. will become the Secretary of Labor’s final order.” The Board has not received any petitions for review in response to our November 20th Order. Accordingly, we **CLOSE** this case and the ALJ’s October 17, 2008 R. D. & O. is the Secretary of Labor’s final order.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel