



Issue Date: 01 July 2020

CASE NO.: 2020-AIR-00002

IN THE MATTER OF:

KELLY MOHAN

Complainant

v.

DELTA AIRLINES

Respondent

ORDER OF DISMISSAL

This matter arises under the employee protection provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 42 U.S.C. § 42121. On January 22, 2020, the undersigned issued a Notice of Hearing and Pre-Hearing Order, establishing certain procedural deadlines including an order that Complainant Kelly Mohan file a Complaint no later than February 14, 2020.

Having received no Complaint or any other contact from Complainant, the undersigned issued an Order to Show Cause on April 28, 2020, directing Complainant Mohan to file a response by Monday, June 1, 2020, as to why this claim should not be deemed abandoned and dismissed for failure to submit a Complaint. Complainant Mohan was also directed to file a Complaint by June 1, 2020. The Order to Show Cause was served via regular mail to Complainant Mohan at her address of record. Despite having ample time to respond, Complainant has not responded to date to the Order to Show Cause and has not filed a Complaint. The Order has not been returned by the post office as undeliverable.

In all proceedings, the judge has “all powers necessary to conduct fair and impartial proceedings.” 29 C.F.R. § 18.12(b). This includes the power to “terminate proceedings through dismissal or remand when not inconsistent with statute, regulation, or executive order.” 29 C.F.R. § 18.12(b)(7). The Department of Labor’s Administrative Law Judges “must necessarily manage their dockets in an effort to achieve the orderly and expeditious disposition of cases.” *Larue v. KLLM Transport, Inc.*, ARB No. 02-024, ALJ No. 01-STA-54, slip op. at 2 (ARB July 22, 2003). According to the Administrative Review Board, administrative law judges have “inherent power” to dismiss a case on their own initiative for lack of prosecution. *Id.*; see also *Claypoole v. U.S. Xpress Enterprises, Inc.*, ARB Case No. 10-064 (April 26, 2011) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 629-30 (1962)). Because it appears that Complainant has

abandoned this claim based on her failure to respond to orders of this Court, including failure to file a Complaint detailing her allegations against Respondent, the claim is **DISMISSED** with prejudice.

So **ORDERED** this 1st day of July, 2020, at Covington, Louisiana.

ANGELA F. DONALDSON
Administrative Law Judge