



Issue Date: 27 June 2012

In the Matter of

MAKARAND BIDWAI,
Prosecuting Party,

Case No.: 2011-LCA-00029

v.

BOARD OF EDUCATION OF
PRINCE GEORGE'S COUNTY,
Respondent.

**ORDER DENYING PROSECUTING PARTY'S SECOND MOTION TO RECUSE,
RECONSIDER, AND REINSTATE COMPLAINT**

On April 26, 2012, I issued an order granting Respondent Board of Education's motion for summary judgment and dismissing this matter. I received Prosecuting Party's motion to reconsider that order on May 7 (by facsimile) and May 8, 2012 (hard copy). I received Respondent's opposition to Prosecuting Party's motion on May 17, 2012. On May 22, 2012, I received a document from Prosecuting Party bearing the same title as the document received on May 7 and 8, 2012, but with some differences in the body of the document. On May 24, 2012, a staff member of this Office received a telephone call from Prosecuting Party, who represented that he was mailing a "second supplement" to his motion for reconsideration and "implored" that I not rule on his motion until after receiving the document. These three documents were considered to constitute a single motion for reconsideration, as well as a motion for recusal, a motion for leave to augment the complaint, and a motion regarding certain discovery issues. Respondent filed its opposition on June 7, 2012, and on June 15, 2012, I issued an order denying all Mr. Bidwai's motions. In that motion, I stated that no further briefing would be allowed.

Mr. Bidwai has now filed a motion entitled "Second Motion to Recuse, Reconsider, Reinstate My Dismissed Complaint of April 26, 2012." I construe his motion to be a motion for reconsideration of my order of June 15, 2012 denying all of Mr. Bidwai's motions.

Mr. Bidwai's latest motion is denied for two reasons. First, there is no provision in the Rules of Practice and Procedure Before the Office of Administrative Law Judges, 29 C.F.R. Part 18, or in the Federal Rules of Civil Procedure, for a party in a case to file serial motions for reconsideration. Second, the arguments contained in his second motion have been addressed in previous orders. Third, the parties are entitled to a final order and, if dissatisfied with it, may challenge it through appeal to the Administrative Review Board. Mr. Bidwai's complaint has been dismissed, and reconsideration of that dismissal has been denied. The orders dismissing the

complaint and denying the first motion for reconsideration constitute final action in this Office. If Mr. Bidwai believes my rulings were incorrect, he should follow the instructions for appealing them. He is instructed to file no further motions or pleadings of any sort with this Office regarding this matter, other than copies of documents filed at the Administrative Review Board, and only if required to do so by that Board's rules.

ORDER

In light of the foregoing, Prosecuting Party's "Second Motion to Recuse, Reconsider, Reinstate My Dismissed Complaint of April 26, 2012" is DENIED.

SO ORDERED.

A

PAUL C. JOHNSON, JR.

Associate Chief Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within thirty (30) calendar days of the date of issuance of the administrative law judge's decision. *See* 20 C.F.R. § 655.845(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Room S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a).

If no Petition is timely filed, then the administrative law judge's decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. § 655.840(a).