
Wade Shows filed a timely Petition for Review with the Administrative Review Board (ARB) on May 10, 2015, seeking “protective review” of the summary judgment decision. The Administrator filed a response on May 14, 2015, stating that, because Wade Shows had filed a subsequent motion to dismiss with the ALJ, the summary judgment decision was not ripe for appeal. By Order dated June 16, 2015, the ARB granted the Administrator’s request to hold the Petition for Review in abeyance pending the ALJ’s decision on Wade Shows’ motion to dismiss.
By Order dated January 31, 2017, the ARB directed the parties to file a status report. In its response, the Administrator stated that it did not oppose the ARB’s dismissal of this case with prejudice and vacatur of the ALJ’s April 10, 2015 decision. In its response, Wade Shows agreed with the Administrator that the ARB should dismiss its appeal. Wade Shows also asked that the ARB vacate the ALJ’s monetary penalty of $4,500.00.

Accordingly, the ARB dismisses this appeal and vacates the ALJ’s April 10, 2015 decision in its entirety.

FOR THE ADMINISTRATIVE REVIEW BOARD

Janet R. Dunlop
General Counsel