

UNITED STATES DEPARTMENT OF LABOR
BEFORE THE ADMINISTRATIVE REVIEW BOARD

In the matter of:

SAPORITO ENERGY CONSULTANTS, INC.
and THOMAS SAPORITO

ARB NP.
ALJ NO. 2009-ERA-00016

COMPLAINANTS,

DATE: 09 APR 2010

v.

U.S. NUCLEAR REGULATORY COMMISSION,

RESPONDENT.

_____/

COMPLAINANTS' PETITION FOR REVIEW AND FOR BRIEFING SCHEDULE
NOW COMES, Thomas Saporito, Complainant *pro se*, and Saporito
Energy Consultants (SEC), and hereby file Complainants' Petition
for Review and for Briefing Schedule in the above-captioned
matter and state as follows:

By Order dated April 5, 2010, the presiding Administrative
Law Judge (ALJ) issued "Order Granting Withdrawal of Claim and
Dismissing Complaint" in this matter. In accordance with the
rules of practice and procedure before the Administrative Review
Board (ARB), Complainants make the following objections to the
ALJ's Order:

1. Complainants object to the ALJ's determination that, ". . .
*As there is no such rule, I construed the document as a
motion for leave to withdraw their objections to the
findings of the Occupational Safety and Health*

Administration (OSHA) under 29 CFR §24.111(c). . . " Id. at p.1.

2. Complainants object to the ALJ's determination that, ". . .
1. *Complainants' motion for leave to withdraw their objections to the OSHA findings is GRANTED;* 2. *The objections are deemed withdrawn;* 3. *The complaint is DISMISSED WITH PREJUDICE;* and 4. *with this Order, the Secretary's September 9, 2009 Findings in this case are REINSTATED, AFFIRMED, and FINAL, and Complainants are deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters that are the subject of their complaint. Id. at pp.1-2.*

CONCLUSION

FOR ALL THE ABOVE STATED REASONS, Complainants have satisfied the ARB's filing requirements related to a petition for review and for briefing schedule in this matter. Therefore, the ARB should grant Complainants' petition accordingly.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the foregoing document was provided to those identified below by means indicated on this 9th day of April, 2010:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Suite S-5220
Washington, D.C. 20210
{Original via U.S. Mail+Fax}

Hon. Paul C. Johnson, Jr.
Administrative Law Judge
U.S. Department of Labor
Office of Administrative Law Judges
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By: 

Thomas Saporito