

that a conclusory assertion that the reopening standards had not been met. Its failure to apply the relevant standards to the specific evidence submitted in support of the motions renders its action arbitrary and capricious and without substantial basis;^{5/} accordingly, ALAB-775 must be reversed.

III. CONCLUSION

For the reasons stated herein, the Joint Intervenors request that this Petition for Review be granted and ALAB-775 be reversed.

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Respectfully submitted,

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^{5/} The Board's blanket disregard of all anonymous affidavits is an abuse of discretion where, as here, many were supported by self-authenticating documentation, were of sufficient technical detail to support their authenticity, or merely corroborated matters raised in numerous signed affidavits. See ALAB-775, at 8 n.18. In the context of a motion, the anonymity of the affiant is a consideration which may properly affect the affidavit's weight, but should not render it incompetent evidence as a matter of law, particularly where the affidavit raises safety issues and loss of anonymity could entail risk to the affiant.