



the validity of that denial was not before us on the appeal taken by the Administrator, Order EA-4521 contains no ruling on the matter for us to reconsider.<sup>3</sup>

**ACCORDINGLY, IT IS ORDERED THAT:**

The petition for reconsideration is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

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<sup>3</sup>If respondent wanted us to re-visit the denial of his request to be allowed to file his appeal brief out of time, he should have sought such relief promptly, rather than wait more than six months to request it in connection with an unrelated decision on the Administrator's unsuccessful appeal.