



Issue Date: 22 August 2003

CASE NO.: 2003-AIR-00014

IN THE MATTER OF

**JOSH ALLISON,
Complainant**

v.

**DELTA AIRLINES,
Respondent**

ORDER DENYING MOTION FOR RECONSIDERATION

On August 20, 2003, Complainant filed a request that the Court reconsider its Decision and Order Granting Respondent's Motion for Summary Decision. The issues raised in the request have been fully considered and addressed in the previous Decision and Order at page 7. As to Complainant's argument that his case differs from Fields because "Allison always believed he was acting with the tacit approval of his employer," the Court notes that summary judgment was granted in Fields even though the complainants argued they had "implied authority" to conduct the test. Fields v. Florida Power Corporation, 96-ERA-22 (ARB Mar. 13, 1998). I have reviewed the evidence submitted (including the affidavit and deposition of Complainant and Cherry's affidavit) and there is no evidence to support the position that Complainant acted at the direction, either express or implied, of Respondent. I reject the argument that anything Cherry said to Complainant demonstrated implied authority. Having reconsidered those findings, the Court again finds that Complainant, without the direction of Respondent, deliberately caused a violation of an air carrier safety requirement by forwarding the passwords.

Accordingly, the Motion for Reconsideration is hereby **DENIED**.

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**LARRY W. PRICE
Administrative Law Judge**

LWP:bab