



letters received on his behalf have previously been detained for as much as 2 weeks before he has received them and further that prisoners have no control over the posting of letters that they have mailed. However, in the instant case the error in the late filing of respondent's brief occurred before he entered it into the prison mailing system,<sup>2</sup> and there is no showing that respondent did not have enough time after receiving the law judge's ruling to prepare and file his appeal brief before the relevant deadline.<sup>3</sup> Thus, it does not appear that the lateness of the brief is excusable for good cause shown.

Inasmuch as respondent has not shown good cause for his failure to file a timely appeal brief, he has not identified a valid basis for reconsidering the dismissal of his appeal.

**ACCORDINGLY, IT IS ORDERED THAT:**

The respondent's petition for reconsideration is denied.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.

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<sup>2</sup>Respondent's brief includes a certificate attesting service on February 24. The due date for the brief was February 23.

<sup>3</sup>Attached to the law judge's decision was an explanation of the procedural requirements of § 821.48.