

No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**ROBERT DOUGLAS KREB, JR.,**

**Petitioner,**

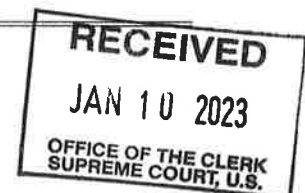
v.

**UNITED STATES DEPARTMENT OF LABOR**

**Respondent.**

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**APPLICATION FOR EXTENSION OF TIME TO  
FILE A PETITION FOR A WRIT OF CERTIORARI**  
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### **Rule 29.6 Statement**

1. Robert Douglas Krebs, Jr. is an unrepresented party to a cause of action under the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, 49 U.S.C. § 42121 (“AIR21”) Whistleblower Protection Program for air carrier employees discriminated or retaliated against by employees for engaging in protected activities such as making safety reports.

2. The Secretary of the Department of Labor is a U.S. Government Agency under which the Occupational Safety and Health Administration (“OSHA”) is chartered to oversee the protection of workers from unsafe working conditions. U.S. Congress enacted AIR21 giving OSHA Charge over Investigating Complaints of violations of AIR21 under administrative statutes and assigned Administrative Law Judges of the Department of Labor as the venue for hearing objections to findings and determinations of OSHA Investigations under 29 CFR 1979.

**TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a 31-day extension of time, up to and including February 10, 2023, to file a petition for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit to review that court's unpublished memorandum decision in *Kreb v. Secretary of the Department of Labor* (9<sup>th</sup> Cir. 2022) (attached as Exhibit A and Exhibit B). In the case below, the Ninth Circuit denied petitions for review and also rehearing seeking review of genuine questions of conduct by the Administrative Law Judge and the Decision and Order Issued August 18, 2018, which appears to draw conclusions of law not found or otherwise outside of the clear language of 29 CFR 1979 and 29 CFR 18.

1. This matter presents a significant and precedential question of federal law: Whether administrative tribunals have discretion to interpret the intent of statutory protections of U.S. Citizens by arbitrarily and capriciously ruling outside a statute's clear language.

2. Additionally, considerable questions of federal law exist, whether administrative tribunals have the discretion to interpret the intent of statutory guidance for the administrative procedures and arbitrarily and capriciously alter procedural review requirements that protect U.S. Citizens from an unfair, unbalanced and biased review of evidence and consider irrelevant and non-probative evidence that is subject of motions *in limine* the court did not balance, hear or issue any ruling.

3. Petitioner was thoroughly and adequately represented throughout the original AIR21 complaint until after Petition for Review by the Department of Labor Administrative Review Board was denied. Petitioner adequately and timely petitioned the Court of Appeals for the Ninth Circuit, *pro se*. Petitioner was under no delusion the monumental undertaking a *pro se* petition for writ of certiorari before the U.S. Supreme Court and considerable time was exhausted searching unsuccessfully and frustrated by the infrequency of holiday schedules, inadequate time permitted counsel candidates to commit to review this matter for possible representation. Petitioner believes the progress made in construction of a petition of writ for certiorari in this matter has been productive while seeking counsel, that given an extension of time, petitioner may appropriately and properly frame the elements of this case with the most efficient use of the Court's time and resources to review a significantly important question of review of conduct in administrative proceedings depriving U.S. Citizens of protections afforded under the law and U.S. Constitution.

Accordingly, petitioner respectfully requests that an order be entered extending the time to file a petition for writ of certiorari for 31 days, up to and including February 10, 2023.

Dated: January 6, 2023

Respectfully Submitted,

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