

Kevin Huggins v Red Lobster, 2026 CanLII 103058 (ON LRB)

This decision forms part of Courtready.ca's Canadian AI-Hallucination Cases Database, which tracks Canadian legal decisions addressing fabricated citations and other misuse of artificial intelligence in legal submissions. Courtready.ca obtained this decision from the Canadian Legal Information Institute (CanLII).

FULL DATABASE

<https://courtready.ca/fictitious-citations-in-canadian-courts/>



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1498-24-UR**

Kevin Huggins, Applicant v **Red Lobster**, Responding Party

OLRB Case No: **0530-25-U**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **0541-25-IO**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **0647-25-IO**

Kevin Huggins, Applicant v **Red Lobster Inc.**, Responding Party

OLRB Case No: **0966-25-UR**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **0967-25-IO**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **2405-25-UR**

Kevin Huggins, Applicant v **Red Lobster Inc.**, Responding Party

OLRB Case No: **2479-25-U**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **2571-25-U**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **2579-25-U**

Kevin Huggins, Applicant v U.F.C.W. Local 1006A, Responding Party

OLRB Case No: **2582-25-UR**

Kevin Huggins, Applicant v **Red Lobster Inc.** and U.F.C.W. Local 1006A, Responding Parties

OLRB Case No: **2621-25-UR**

Kevin Huggins, Applicant v **Red Lobster Inc.**, Responding Party

BEFORE: Peigi Ross, Vice-Chair

DECISION OF THE BOARD: September 14, 2026

1. Board Case No. 1498-24-UR is an application under section 50 of the *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1, as amended (the "OHSA") alleging reprisal by the employer, Red Lobster Inc. ("Red Lobster reprisal application"). It was filed with the Board on September 18, 2024.
2. Board Case No. 0530-25-U is an application filed under section 96 of the *Labour Relations Act*, 1995, S.O. 1995, c.1, as amended (the "LRA") alleging a violation of section 74 by U.F.C.W. Local 1006A ("UFCW") ("DFR"). The DFR was filed on May 16, 2025. Board Case No. 0541-25-IO is an associated application for an interim order filed under the Act ("DFR IO") on May 20, 2025.
3. Board Case No. 0647-25-IO is an application for an interim order against Red Lobster ("Red Lobster reprisal IO"). It was filed under the LRA on May 28, 2025, approximately 8.5 months after the associated Red Lobster reprisal application was filed with the Board.

4. Board Case No. 0966-25-UR is an application filed under section 50 of the OHSA alleging reprisal by UFCW ("UFCW reprisal application"). Board Case No. 0967-25-IO is an associated application filed under the LRA seeking an interim remedy against UFCW ("UFCW reprisal IO"). These applications were filed on June 30, 2025.

5. Board Case No. 2405-25-UR is an application filed under section 50 of the OHSA alleging reprisal by Red Lobster. It was filed on November 10, 2025.

6. Board Case No. 2479-25-U is an application alleging a violation of section 74 of the LRA by UFCW. It was filed on November 21, 2025.

7. Board Case No. 2571-25-U is an application alleging a violation of section 74 of the LRA by UFCW. It was filed on December 2, 2025.

8. Board Case No. 2579-25-U is an application alleging a violation of section 74 of the LRA by UFCW. It was filed on December 2, 2025.

9. Board Case No. 2582-25-UR is an application filed under section 50 of the OHSA alleging reprisal by both Red Lobster and UFCW. It was filed on December 2, 2025.

10. Board Case No. 2621-25-UR is an application filed under section 50 of the OHSA alleging reprisal by Red Lobster. It was filed on December 5, 2025.

Introduction

11. The purpose of this decision is to address the applicant's request for reconsideration of a decision of the Board dated December 12, 2026 (the "Decision"). By way of that decision, relying in part on the facts determined by the Board in a decision dated April 4, 2026 (*Kevin Huggins v Red Lobster*, 2025 CanLII 39805 (ON LRB)), the Board declared Mr. Huggins to be a vexatious litigant and disposed of certain applications and stayed others.

12. Mr. Huggins filed a request for reconsideration on December 15, 2025 and a further "continuation of Request for Reconsideration" on December 16, 2025. I will refer to these materials jointly as the "RFR". For whatever reason, no acknowledgement letter was issued by the Registrar.

Procedural History

13. The Board hereby exercises its discretion pursuant to Rule 18.2¹ of the Board's Rules of Procedure not to require submissions from either Red Lobster or UFCW.

14. It is necessary to set out a brief history.

15. The Board first addressed Red Lobster's motion to have Mr. Huggins declared a vexatious litigant by way of the April 4, 2025 decision. The Board made factual findings and while it did not issue the requested declaration, it specifically warned Mr. Huggins about his future behaviour and that any repeated conduct or failure to follow the Board's direction set out therein, the Board would rely on those factual findings should Red Lobster renew its motion. The relevant portion of the April 4, 2025 decision provides as follows:

...

25. I now turn to Mr. Huggins' behaviour.

26. The Board was provided with an email dated February 4, 2025 from Mr. Huggins to one of the lawyers representing Red Lobster. The email is not legally substantive; it does not address the merits of the application nor does not make any requests of counsel or of Red Lobster or of the Board. It is a profoundly offensive, belligerent and confrontational message laden with profanity and spurious allegations about counsel for Red Lobster and his profession. The email was sent by Mr. Huggins in direct response to correspondence from counsel for Red Lobster declining consent to receive a document via email, something which it is well within its rights to do.

27. Many other emails (some of which were sent by Mr. Huggins from Ms. White's email address) consistently and continually use unnecessary and blunt profanity.

28. In another email Mr. Huggins says that he will "fuck you up" if he does not get what he wants. In others, he asserts that Red Lobster is corrupt.

¹ 18.2 Where a party is directed to file a response to the request, it must include complete written representations in support of its position.

29. Mr. Huggins attempted to explain his emails as merely “trash talk”. He further tried to justify his behaviour because of what Red Lobster did to him when it took him off the schedule, because he complained about sexual harassment and because Red Lobster allegedly lied in its response. He said he becomes overly emotional because of Ms. White’s experience and asserted reliance on what he referred to as a “justification defence” under the *Criminal Code*.

30. I do not accept his explanation. The tone, content and language of his emails goes much further than simple trash talk and is directly contrary to the kind of respectful behaviour expected of parties before the Board.

31. Further, whether Red Lobster violated the Act is unproven and is something that the Board will have to determine in the context of this litigation. I reminded Mr. Huggins that it is the Board that is charged with making findings of fact and credibility. Mr. Huggins’ allegations do not explain or justify his behaviour.

32. Mr. Huggins said his statement that he will “fuck you up” does not rise to the level of a criminal threat. Whether they do or not is not something the Board needs to address. There is no doubt however that such comments may be perceived as a threat and that they are inappropriate and unacceptable. These comments are particularly egregious when viewed in the context of what appears to be an attempt to elicit a resolution, a monetary settlement from Red Lobster.

33. The most shocking and outrageous of Mr. Huggins’ behaviour occurred on March 4, 2025. Attached to the material sent to Red Lobster’s counsel at 9:11a.m. is a picture of feces smeared underwear.

34. Mr. Huggins did not specifically comment on this picture nor did he attempt to explain it. As the picture does not relate to the merits of this case, I can only conclude that it was sent to vex, intimidate or to send some kind of message to Red Lobster and its counsel.

35. There is no context in which this type of childish, gross and repugnant behaviour can be justified.

36. Mr. Huggins said that the Board should disregard and turn a blind eye to his communications because what happens outside of the hearing room is not relevant. As already noted, *GoodLife Fitness, supra*, a case brought to the Board's attention by Mr. Huggins following the March 4, 2025 hearing, stands for the complete opposite position.

37. Mr. Huggins has filed innumerable submissions with the Board and it appears that he has sent Red Lobster even more. Mr. Huggins' submissions do not seek an Order of the Board, rather they appear to merely attempt by Mr. Huggins to bolster or further explain his position. However, the pleadings are closed and this kind of correspondence is improper in the absence of a request to amend his pleadings.

38. Much of Mr. Huggins' submissions are repetitive and focus on matters which are outside of the Board's jurisdiction. For example, he routinely comments on Ms. White's personal affairs, matters which are irrelevant to this application. He repeatedly expresses his hatred for Red Lobster, its counsel and the person who Red Lobster concluded harassed Ms. White. He calls that individual names and makes allegations about his personal life. Most, if not all, of Mr. Huggins correspondence filed with the Board relates to the sexual harassment experienced by Ms. White, his disdain for Red Lobster and sexual harassment more generally. But that is NOT what this case is about. The Board made that clear at the outset of these proceedings by way of a decision dated October 24, 2024 (see, *Kevin Huggins v Red Lobster*, 2024 CanLII 114223 (ON LRB)):

11. It is useful to make a few comments about the scope of the proceeding before the Board. The Board has no jurisdiction to address or remedy the underlying complaint of sexual harassment (see; *Ljuboja v Aim Group Inc*, 2013 CanLII 76529 (ON LRB) and *McQuade v Emblem Cannabis Corporation and Enrico Panucci*, 2018 CanLII 5621 (ON LRB) and *Nooshin v Deloitte Management Service LP*, 2019 CanLII 18028 (ON LRB)). This is in part because the Act does not guarantee a workplace free of harassment; that is the purview of other legislation. Whether or not the applicant's employment was terminated for cause is not an issue with which the Board will concern itself. The only issue before the Board is whether the applicant availed himself of the

protections of the Act as set out in section 50(1) of the Act, whether there was a penalty and whether there is a causal connection between the two.

39. I again explained the foregoing at the hearing on March 4, 2025. Mr. Huggins expressed surprise stating words to the effect that he wished someone had told him about the Board's jurisdiction, although that could not have been explained to him more clearly in the foregoing decision. It has also been made clear that following an investigation into Mr. Huggins' complaint Red Lobster concluded that Ms. White had in fact been sexually harassed and it terminated the employment of the perpetrator. It is therefore difficult to understand Mr. Huggins' continued focus on this issue.

40. After again explaining that the Board will not address the sexual harassment per se and further advising that the focus in this case is on whether there is a causal relationship between his complaint of harassment (of Ms. White) and being taken off the schedule (and ultimately terminated from his employment), Mr. Huggins said he would not raise the sexual harassment issue again. During the hearing I cautioned Mr. Huggins about his behaviour reminding him, repeatedly, that litigants before the Board are expected to conduct themselves appropriately and with respect for the Board, its process and the other parties. Mr. Huggins indicated that he would conduct himself appropriately moving forward.

41. I have little faith that Mr. Huggins will be able to do as he has promised. In the days immediately following the March 4, 2025 hearing Mr. Huggins filed multiple submissions with the Board, some addressing the motion to have him declared a vexatious litigant and one which is best described as a sort of non-apology, apology. In that latter correspondence Mr. Huggins again describes his conduct as a reaction to Ms. White being sexually harassed and thus justified. In still other correspondence, Mr. Huggins asserts that Red Lobster is directly responsible for the "trainwreck" of Ms. White's life because of the sexual harassment that she experienced in the work. This focus on Ms. White's experience is something that Mr. Huggins expressly said he would no longer address. I cannot stress enough that the Board has no jurisdiction to remedy sexual harassment nor does it have any authority to award any remedy whatsoever to Ms. White as she is not a party to these proceedings.

42. Mr. Huggins more recently wrote to advise that the criminal charges against him for damaging Red Lobster was dismissed because no one from Red Lobster attended at court. His correspondence has a mocking tone and was clearly sent for some kind of perceived advantage in this litigation. He states that Red Lobster cannot use the fact of the charges against him " [d]espite the fact [he] with malice, purposefully, willfully, without regret and without remorse vandalized Red Lobster Inc., store 8103". The damage to Red Lobster's property is one of the reasons why Mr. Huggins' employment was terminated.

43. Mr. Huggins' conduct is extremely troubling. I am mindful of the fact that the Board has determined that this application has passed the very low threshold of having made out a *prima facie* violation of the Act; see, *Kevin Huggins v Red Lobster*, 2024 CanLII 114223 (ON LRB) and that the Board should give some latitude to unrepresented parties. However, merely because this application meets that threshold does not insulate Mr. Huggins from being declared a vexatious litigant nor does it explain or protect his behaviour, nor does it relieve him from complying with the Board's Rules of Procedure and conducting himself in the manner expected by the Board. A determination that an application makes out a *prima facie* violation of the Act is made based upon the assumption that the pleadings are true and provable and without consideration of the response. It may well be that Red Lobster can easily refute Mr. Huggins' allegations.

44. Leaving aside the number of applications filed by Mr. Huggins both on his own behalf and that of Ms. White in this and other forums, when faced with conduct such as that displayed by Mr. Huggins the Board has routinely cautioned against the continuation of such behaviour before fully and finally addressing the matter. For that reason, the Board will not determine Red Lobster's motion to declare Mr. Huggins a vexatious litigant **at this time**.

45. I was clear with Mr. Huggins at the hearing that if this application was to proceed forward it was expected that he would conduct himself with the respect and courtesy demanded of parties before the Board. I renew that caution here.

46. Mr. Huggins is specifically advised that in the event of any similar conduct in the future and/or should he fail to

abide by the Board's directions including those set out below, the Board will determine this motion relying on the factual determinations made herein and the facts of any future alleged misconduct and it may, in addition to declaring Mr. Huggins a vexatious litigant, dismiss this application in its entirety as an abuse of process; see, for example, *El Sayed v. Novaflow Systems Inc.*, 2007 CanLII 908 (ON LRB) at paragraph 47 and *Neda Raji v Starbucks Coffee Canada*, 2023 CanLII 17275 (ON LRB).

47. In keeping with the Board's authority to manage its own proceedings, it is appropriate to issue the following directions:

- a) In order to ensure that what is filed with the Board is what Mr. Huggins delivered to Red Lobster and its counsel, any correspondence from Mr. Huggins **must** be pasted into the body of an email which is to be delivered **only** to counsel for Red Lobster. Any such email must be filed with the Board along with a "read receipt" from counsel.
- b) Red Lobster may request that the Registrar provide copies of Mr. Huggins' previous filings with the Board should it wish to do so.
- c) Mr. Huggins may not file any further submissions unless specifically directed to do so by the Board or unless his submissions are in support of a valid and legitimate order of the Board. Put more plainly, Mr. Huggins may not file any further submissions which may be viewed as an attempt to bolster or advocate his position. The pleadings are long closed and at this stage of the proceedings the Board will not grant any amendments thereto.
- d) Attempts to settle this matter, if any, may be facilitated only with the assistance of the Board mediator assigned to this matter.

16. As noted in the Decision, Mr. Huggins' February 4, 2025 email, described in the April 4, 2025 decision as "profoundly offensive, belligerent and confrontational message laden with profanity and spurious allegations about counsel for Red Lobster and his profession" provides as follows:

1. I HAD TO CANCEL MY TRIP TO BARBADOS BECAUSE MEDIATOR PAUL BOZZO TOLD ME THE HEARING WILL BE SCHEDULED SOMETIME IN APRIL 2025.

2. I DID NOT UTTER THREATS CRIMINAL CODE 264.1 TO ANYONE AT RED LOBSTER.

3. I DID NOT THROW EGGS AT THE FRONT DOOR.

Mother Fucker, you read my Master Piece, waited 1.5 + hrs when the Board closed and then decided you do not consent, nice move you fucking loser!!!! Actually, you've already consented, we've been corresponding via email from the beginning. I kicked Red Lobsters fucking ass when they tried to cover up Sexual Harassment in the Workplace against my ex girlfriend, I kicked UFCW local 1006A fucking ass when they joined red Lobster in covering up the sexual harassment in the Workplace against my ex girlfriend, I kicked your fucking asses in preliminary objections, I kicked your fucking asses in Mediations, I am kicking you fucking ass in discovery and I will kick your fucking ass during the hearing. That message was for Patrick. Stop fucking testing me, you are nothing but a fucking employment lawyer, you are a fucking joke, your profession is a fucking joke, it's such a fucking joke we did not study it in introductory law waaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaaay back in 1990. Level the fuck and start moving like a criminal defense attorney. Blatant lies followed up past caselaws is the most fucking loser move / tactic a Lawyer can use!!!!

CHRIS EVELYN SEXUALLY HARASSED MY GIRLFRIEND AT THE TIME! I REPORTED IT!! HE TOOK ME OFF THE SCHEDULE!!! I WIN!!!! YOU LOOSE!!!! MOTHER FUCKER!!!! SAVE THIS FUCKING EMAIL AND CRY AGAIN ABOUT MY NIGGER ASS INVOKING HIS CANADIAN CHARTER OF RIGHTS AND FREEDOMS SECTION 2B MOTHER FUCKER!!!!!!!!!!!!!! HOW MUCH FUCKING MONEYS DID RED LOBSTER INC PAY YOU TO DEFEND A MOTHER FUCKING LOSER?!?!..! YOU ARE DEFENDING THE ACTIONS A PSYCHOPATHIC SEXUAL PREDATOR WHO THINKS HE DID ABSOLUTELY NOTHING WRONG, DESPITE THE FACT HE IS TERMINATED, BECAUSE I AM THE ONE WHO GOT HIM TERMINATED!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! HOW THE FUCK WOULD YOU FEEL IF A LOVED ONE FELL VICTIM TO SEXUAL HARASSMENT IN THE WORKPLACE?!?!?

**MOTHER FUCKER!!!!!! JUST TO HAVE A PIECE OF
FUCKING SHIT LOW LIFE LAWYER DEFEND
HIM???!?!?!?! MOTHER FUCKER!!!!!!!!!!!!!! KEEP
TRYING TO FUCKING TEST ME WITH YOUR CAUTION
FUCKING BULLSHIT RESPONSES AND WILL KEEP
FUCKING FIRING BACK WITH PURE VENOMOUS
REPLIES!!!!**

PSYCHOPATHIC DEFINITION:

**Lack of Remorse and the inability for empathy in one's
actions!!!! Good luck defending his actions you fucking
loser... YOU mother fuckeing rasict white piss mother
fucker.....!!!!**

You have ALL his fuckery text messages...

(Sic) (Emphasis in the original.)

17. Mr. Huggins almost immediately violated those instructions when he refiled a request for production previously addressed by the Board and a further request for production. Neither of these materials complied with the Board's earlier direction. Although the Board gave him leeway on that one occasion, Mr. Huggins was again expressly reminded of the need to follow the Board's directions:

6. The Board is prepared to grant Mr. Huggins some leeway on this one occasion. However, he is **NOT** to re-file requests that have already been addressed by the Board. This is a waste of the Board's resources and those of the responding party. The Board will not address any further such requests. Mr. Huggins is in possession of each of the Board's earlier directions and he must review them before taking any future steps. Mr. Huggins is reminded of the Board's comments at paragraph 46 of the Board's April 3, 2025.

[Emphasis in the original]

(see; *Kevin Huggins v Red Lobster*, 2025 CanLII 41077 (ON LRB), dated April 8, 2025).

18. The Board had reason to again address Mr. Huggins' non-compliance by way of a decision dated April 16, 2025 (*Kevin Huggins v Red Lobster*, 2025 CanLII 50767) after Red Lobster renewed its request for the dismissal of Mr. Huggins' applications and to have him declared

a vexatious litigant. The relevant part of that decision provides as follows:

4. Following the issuance of that decision [April 4, 2025], Mr. Huggins has filed a number of submissions with the Board; a book of documents, filed with the Board in separate parts, and two separate requests for Orders for production. None of these submissions complied with the Board's direction at paragraph 47(a) of the Board's earlier decision.

5. The Board addressed the requests for production Orders in a decision dated April 8, 2025. The Board specifically found that that Mr. Huggins had merely repeated earlier requests for production Orders that the Board had already dismissed save and except the request for the documents identified in his April 8, 2025 correspondence. The Board then went on to dismiss his April 8, 2025 request on the basis that the requested document(s) are not arguably relevant to the issues in dispute. The Board then stated as follows:

12. Mr. Huggins has now filed multiple requests for production. The hearing was to have commenced on March 4, 2025. The time for seeking production of documents is closed. The Board will **not** address any further such requests from the parties unless the Board determines it is necessary to do so.

6. On April 11, 2025, the applicant provided his response to the Registrar's letter directing that the parties consult on a hearing date. Mr. Huggins advises that he is available on June 24, 2025, and on the face of the Registrar's letter he provides as follows:

June 24. My request for production is due no later than June 9th and Book of Document is due no later than April 25th. If they're all NOT produced I will request more money for punitive damages. [Sic; Emphasis in the original]

7. It is not clear that the applicant delivered this document to the responding party, in part because the applicant did not do as directed at paragraph 47(a) of the Board's earlier decision [dated April 4, 2025] and in part because, by way of an email dated April 10, 2025 to counsel for Red Lobster in response to the request to consult, Mr. Huggins provides as follows:

June 24th, the earlier the better. My request for production of documentary evidence will be due on June 9th. Make sure it's produced, because if it's not, it will be the first thing that comes out of my mouth and I will NOT take any more blatant lies or excuses for an answer. [Sic; Emphasis in the original]

8. I note here that Red Lobster filed its Book of Documents on February 5, 2025, well in advance of the first day of hearing on March 4, 2025.

9. In response to Red Lobster's motion to dismiss, and without being instructed to provide submissions, on April 11, 2025 Mr. Huggins filed a copy of the Canadian Charter of Rights and Freedoms with section 2 highlighted.

The Board thereafter directed submissions from the parties in response to the motions pending before the Board.

19. Mr. Huggins was reminded of the Board's direction not to file self-serving materials designed to bolster his case by way of a decision dated May 16, 2025 (at paragraph 5):

Except as directed herein no party may file any further submissions unless directed to do so by the Board.

Any material filed in non-compliance with this direction will be disregarded.

[Emphasis in the original]

20. Mr. Huggins was again reminded of that direction in the May 29, 2025 Decision (at paragraph 33):

In order for the Board to efficiently address the pending motions, except as directed at paragraph 26 herein, no party may file any further submissions until such time as the motions pending before the Board are determined.

[Emphasis in the original.]

21. He was again reminded of this direction in the June 6, 2025 Decision (at paragraph 14):

As I have repeatedly stated, so that the Board may properly address the pending motions no party may file any further submissions in respect of these matters unless otherwise directed by the Board. Anything filed in non-compliance with the directions herein will be disregarded by the Board.

22. As the Board noted in the Decision (at paragraph 96):

These repeated reminders were necessitated because Mr. Huggins continued, in defiance of the Board's directions, to file submissions that can only be described as intended to "bolster or advocate his position" in the applications, and in any event he continued to file submissions that were not directed by the Board".

23. UFCW then filed its own motion to dismiss and have Mr. Huggins declared a vexatious litigant.

24. The Board address the pending motions filed by Red Lobster and UFCW by way of the Decision, the Board determined as follows:

...

102. As set out above, the litigation to date has been chaotic and Mr. Huggins has repeatedly defied and disregarded the Board's directions. In the face of the motion to dismiss this application on the basis of abuse of process, Mr. Huggins has made no effort to provide a satisfactory explanation for his conduct. Rather than apologize and recognize his misconduct, Mr. Huggins is defiant in the face of the allegations made against him. The conduct at issue in the Board's April 4, 2025 decision was not "trash talk" and there can be no excuse for sending a picture of feces smeared underwear to counsel for Red Lobster. This material was sent for purposes other than addressing any ongoing proceedings. It is irrelevant to the issues in dispute and is abusive. He explains his ongoing requests for the production of documents as "the sooner the better" without any recognition of the Board's prior directions. He does not explain why he continues to file materials to bolster his position despite the Board's very specific instructions not to do so. His conclusion that counsel for Red Lobster is easily irritated or is acting peevishly because it objects to Mr. Huggins' blatant disregard for the Board's orders underscores his lack of awareness of his misconduct. Mr. Huggins relies on the Charter to excuse his behaviour; it does not.

103. Together with the various proceedings, Mr. Huggins' communications are part of an overall strategy of abuse and harassment (see; *Dobson v. Green*, 2012 ONSC 4432, [2012] O.J. No. 3593, at para. 12)). In short, Mr. Huggins has given the Board no indication whatsoever that he will comply with any direction to ensure the orderly and fair litigation of these applications and has instead repeated and accelerated his defiance of the Board's directions.

104. Mr. Huggins was cautioned about what would happen if he did not address his behaviour. His conduct, including by way of his submissions in response to Red Lobster's motions and the Board's various directions demonstrates that he is unable or unwilling to comply with the Board's directions. As noted by the Board in *El Sayed v. Novaflow Systems Inc.*, 2007 CanLII 908 (ON LRB) at paragraph 47:

.... the Board has no obligation to assist a party who is disrespectful, unreasonable, vexatious, abusive, and is not making a reasonable effort to address the elements of his own claim

105. Mr. Huggins' conduct constitutes an abuse of process. His various submissions provide no reason to believe this will not continue.

106. For all of these reasons, and for the reasons and factual determinations set out in the Board's April 4, 2025 decision, Red Lobster's motion to dismiss the Red Lobster reprisal application including the Notice of Constitutional Question is hereby granted. It follows that the Red Lobster reprisal IO must also be dismissed.

...

125. Board File Nos. 1498-24-UR, 0530-25-U, 0541-25-IO, 0647-25-IO and 0967-25-IO are hereby dismissed for the reasons set out above.

126. Having declared Mr. Huggins a vexatious litigant and in keeping with the remedy awarded in *GoodLife Fitness Centres Inc. v. Hicks*, 2019 ONSC 4942 (CanLII) the Board hereby declares that Mr. Huggins,

- a) has persistently and without reasonable grounds instituted vexatious proceedings and has

conducted proceedings in a vexatious manner within the meaning); and,

b) is a vexatious litigant.

127 The Board further declares that the following applications are immediately stayed except and until such time as Mr. Huggins has obtained permission of the Board to proceed with them:

- a) Board Case No. 0966-25-UR;
- b) Board Case No. 2405-25-UR;
- c) Board Case No. 2479-25-U;
- d) Board Case No. 2571-25-U;
- e) Board Case No: 2579-25-U;
- f) Board Case No: 2582-25-UR; and,
- g) Board Case No: 2621-25-UR.

128. Mr. Huggins is prohibited from instituting *any* proceeding or continuing *any* proceedings previously instituted before the Board, except and until such time as he has obtained permission of the Board to do so.

129. The Board further orders that should Mr. Huggins commence an application before the Board without first obtaining the Board's consent permitting him to do so, the application shall not be processed by the Board.

25. The applications listed at paragraph 125 of the Decision were dismissed either because the application was deemed to constitute an abuse of process (Red Lobster Reprisal and Red Lobster Reprisal IO - 1498-25-UR, 0647-25-IO), because the applicant did not have standing to bring the applications (DFR 0530-25-U and DFR IO 0541-25-U) or because the Board does not have jurisdiction to grant the requested remedies (UFCW Reprisal IO - 0967-25-IO). The effect of the foregoing is the dismissal of the Notice of Constitutional Question filed in Board File No. 1498-25-UR (Red Lobster Reprisal Application). For clarity, there was no need or jurisdiction to address the Notice of Constitutional Question given that the underlying application had been dismissed as an abuse of process.

26. In particular, the Board found that none of Mr. Huggins submissions complied with the Board's repeated directions, and despite the Board's very specific directions, he repeatedly engaged in filing self-serving submissions disguised as books of documents and designed solely to bolster his case, and repeatedly sought orders for production

already addressed by the Board and in contravention of the Board's direction. In making this finding the Board relied on the factual findings reached in its April 4, 2024 about his conduct and communications. Mr. Huggins was declared a vexatious litigant because he filed a multiplicity of proceedings², all of which relate to the same underlying facts, namely that he filed complaints that his former girlfriend was sexually harassed in the workplace and that as a result he was subsequently removed from the work schedule and ultimately terminated from his employment, and on the basis of his abuse of the Board's processes.

27. The Board reached the following conclusion in the Decision:

102. As set out above, the litigation to date has been chaotic and Mr. Huggins has repeatedly defined and disregarded the Board's directions. In the face of the motion to dismiss this application on the basis of abuse of process, Mr. Huggins has made no effort to provide a satisfactory explanation for his conduct. Rather than apologize and recognize his misconduct, Mr. Huggins is defiant in the face of the allegations made against him. The conduct at issue in the Board's April 4, 2025 decision was not "trash talk" and there can be no excuse for sending a picture of feces smeared underwear to counsel for Red Lobster. This material was sent for purposes other than addressing any ongoing proceedings. It is irrelevant to the issues in dispute and is abusive. He explains his ongoing requests for the production of documents as "the sooner the better" without any recognition of the Board's prior directions. He does not explain why he continues to file materials to bolster his position despite the Board's very specific instructions not to do so. His conclusion that counsel for Red Lobster is easily irritated or is acting peevishly because it objects to Mr.

² a) Board Case No. 2546-24-U;
b) Board Case No. 2570-24-IO;
c) Board Case No. 2041-24-IO;
d) Board Case No. 1498-24-UR;
e) Board Case No. 0530-25-U;
f) Board Case No. 0541-25-IO;
g) Board Case No. 0647-25-IO;
h) Board Case No. 0966-25-UR;
i) Board Case No. 0967-25-IO;
j) Board Case No. 2405-25-UR;
k) Board Case No. 2479-25-U;
l) Board Case No. 2571-25-U;
m) Board Case No. 2579-25-U;
n) Board Case No. 2582-25-UR; and,
o) Board Case No. 2621-25-UR.

Huggins' blatant disregard for the Board's orders underscores his lack of awareness of his misconduct. Mr. Huggins relies on the Charter to excuse his behaviour; it does not.

103. Together with the various proceedings, Mr. Huggins' communications are part of an overall strategy of abuse and harassment (see; *Dobson v. Green*, 2012 ONSC 4432, [2012] O.J. No. 3593, at para. 12)). In short, Mr. Huggins has given the Board no indication whatsoever that he will comply with any direction to ensure the orderly and fair litigation of these applications and has instead repeated and accelerated his defiance of the Board's directions.

104. Mr. Huggins was cautioned about what would happen if he did not address his behaviour. His conduct, including by way of his submissions in response to Red Lobster's motions and the Board's various directions demonstrates that he is unable or unwilling to comply with the Board's directions. As noted by the Board in *El Sayed v. Novaflow Systems Inc.*, 2007 CanLII 908 (ON LRB) at paragraph 47:

.... the Board has no obligation to assist a party who is disrespectful, unreasonable, vexatious, abusive, and is not making a reasonable effort to address the elements of his own claim

105. Mr. Huggins' conduct constitutes an abuse of process. His various submissions provide no reason to believe this will not continue.

The Test for Reconsideration

28. Under the Act, the authority to reconsider a decision made under section 50 is derived from subsection 50(4)³ which in turn incorporates, among other provisions, the Board's power of reconsideration in subsection 114(1) of the *Labour Relations Act, 1995* ("the LRA"). Subsection 114(1) of the LRA reads:

114. (1) The Board has exclusive jurisdiction to exercise the powers conferred upon it by or under this Act and to determine all questions of fact or law that arise in any matter

³ 50(4) On an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), sections 110, 111, 114 and 116 of the *Labour Relations Act, 1995* apply with all necessary modifications.

before it, and the action or decision of the Board thereon is final and conclusive for all purposes, but nevertheless the Board may at any time, if it considers it advisable to do so, reconsider any decision, order, direction, declaration or ruling made by it and vary or revoke any such decision, order, direction, declaration or ruling.

29. In *Baron Metal Industries Inc.*, [2001] OLRB Rep. July/August 931, the Board emphasized the importance of finality of the Board's decisions and described the limited circumstances in which the Board generally exercises its power of reconsideration:

15. The limitations upon requests for reconsideration are well-known. The Board reconsiders its decisions in limited circumstances. It balances the public interest in the finality of Board decisions against the need to correct decisions which are erroneously made, or which were made on the basis of inadequate or misleading information, or by default. The limited scope reconsideration is described in *Canadian Union of General Employees*, [1975] OLRB Rep. Apr. 320, at 324, para 11; *Ellis Don Limited*, [1989] OLRB Rep. Mar. 234, at 235, para 5; *John Entwistle Construction Limited*, [1979] OLRB Rep. No. 1096, at 1097, para 5; *The Doctor's Hospital*, [1983] OLRB Rep. Apr. 493, at 495, para 2; *Roy Construction and Supply Company Limited*, [1983] OLRB Rep. May 716, at 716, para 1.

16. The grounds on which reconsideration may be sought can be summarized as being: the request raises important issues of Board policy which have not been addressed adequately or at all; a party wishing to make a representation has not had an opportunity to do so previously; relevant evidence which could not previously have been obtained by reasonable diligence has become available and would likely affect the decision; or an obvious error has been made by the Board. The Board's approach is stringent – in the interests of finality, it will reconsider its decisions only when that is clearly required.

30. As stated in *935772 Ontario Ltd. (c.o.b. "Royal Taxi")*, [2000] O.L.R.D. No. 3898 and many other decisions, a request for reconsideration is not an appeal of the earlier decision. It is not an opportunity to reargue the case, attack the Board's reasoning or findings of fact or correct deficiencies in an application.

31. Therefore, while the Board has the power to reconsider any of its decisions when it considers it advisable to do so, in order to provide parties before the Board with a substantial degree of certainty, the Board normally declines to do so in the absence of compelling reasons. The Board will not normally reconsider a decision unless:

- a) the decision contains an obvious error;
- b) the request raises important policy issues which have not been adequately addressed;
- c) new evidence is sought to be presented which could not, with the exercise of due diligence, have been obtained and presented previously, and which could, if accepted, make a difference to the decision; and
- d) representations are sought to be made which the party seeking reconsideration had no previous opportunity to make.

(see for example: *Audio Visual Services (Canada) Corporation*, 2017 CanLII 85671 (ON LRB) at paragraph 29)

Request for a Different Vice-Chair

32. The applicant asks that the RFR be determined by another Vice-Chair. It is unclear whether Mr. Huggins seeks reconsideration of the determination in the Decision that I need not recuse myself, or whether he simply asks that the RFR be determined by another Vice-Chair. I will address his arguments about whether I have a reasonable apprehension of bias along with the merits of the RFR.

33. Requests for reconsideration are, by practice, remitted to the same Vice-Chair that issued the subject decision. The policy reasons for doing so were set out in *United Brotherhood of Carpenters and Joiners of America*, 2011 CanLII 66912 (ON LRB) as follows:

- 7. Because of this significant concern that old arguments, unsuccessful initially, will simply be recast or reargued, evidence that was or could have been reasonably available earlier will not be sought to be adduced, on reconsideration the Board's practice for almost 60 years has been to remit a request for reconsideration to the original panel that originally heard it.

8. For example, in *Knight Security Guards Limited*, [1970] OLRB Rep. June 377, judicial reviews of the earlier Board decision had been unsuccessful but both the Divisional Court and the Court of Appeal expressed serious reservations about the correctness of the Board's interpretation and indicated they would have found otherwise. This prompted a reconsideration request not dissimilar to the Applicant's:

5. In its latest request for reconsideration, the applicant requests "that this matter be heard by a panel of the Board which was not hitherto involved in these cases. We also respectfully suggest that a five member Board presided over by the Chairman or alternate Chairman be appointed to entertain our request for reconsideration."

6. In support of its request concerning the manner in which the Board should be constituted to review its decision in this matter, the applicant submits that "in the interests of the Board, the parties and the general public and to insure that justice appears to be done, we have recommended that the same panel of the Board should not be called upon to decide on the propriety of its own decision. This, in our view, is consistent with the principles of natural justice."

7. The applicant further submits that "... In view of the opinion expressed by the four Judges, there is certainly reason to gravely doubt the correctness of the Board's decision and in particular its interpretation of section 9. In our respectful submission, the Board is clearly in error. When an administrative tribunal such as the Board is given exclusive jurisdiction to determine all questions of fact or law that may arise in any matter before it and also is given the protection of a wide privative clause, it ought not refuse to reconsider its decision in circumstances such as these, especially when doubt has been cast upon it by a superior Court. There are, of course, no facts in dispute. The main issue is one of the proper legal interpretation to be given to section 9. A refusal by the Board to deal with the matter at this stage would, in our respectful submission, be tantamount to ignoring the considered opinion of the Courts on this matter, as well as ignoring any assistance or argument questioning its decision..."

...

9. The decision dated September 17th, 1968 is not merely the decision of a division of the Board which heard the case but is, in fact, the decision of the Board. It is trite to say that the jurisdiction conferred by section 79(1) [now 114] of the Act, whereunder the Board may reconsider any decision, must be exercised by the division which is seized of the matter. The very act of reconsideration contemplates that the matter will be considered again by the division which considered the matter the first time. If section 79(1) contemplated that a decision of the division could be reviewed by another division of the Board, the Act would have provided for review rather than reconsideration.

10. The Board has never adopted the practice of having one division of the Board to sit in appeal on decisions of another division. In our view, the Act is not broad enough to permit the Board to set up an appellate division in the manner suggested by the applicant in this case.

RFR

34. The RFR is an attempt to either reargue the motions addressed in the Decision or by way of an earlier decision of the Board, or to raise new allegations that could have been addressed previously and for these reasons must be dismissed. The applicant, at times, revisits the merits of his various applications. I will not address these latter submissions as they are not relevant to the Decision given that the Board did not address or determine the merits of any of his applications.

35. The RFR was clearly drafted using the assistance of artificial intelligence; it includes references to Open A.I. - Chat GTP 5.0, AI responses to undefined queries, directions on how to frame issues along with proposed language (which I take to be Mr. Huggins' submissions), bullet point lists of conclusions devoid of any kind of factual context and statements defined as "judicial-review-ready paragraphs". It is repetitive and difficult to follow, at times making reference to the Human Rights Tribunal of Ontario and matters before that body, and issues which have no relevance to the RFR such as, for example, Mr. Huggins' position on why his employment was terminated including that there is no evidence of his misconduct (he acknowledged that he "with malice, purposefully, willfully without regret and without remorse vandalized

Red Lobster Inc., Store 8103”, one of the reasons for the termination of his employment), the sexual harassment of his then girlfriend, the conduct of UFCW in response to his harassment complaint, the merits of his reprisal complaint against Red Lobster including his assertion that the Red Lobster reprisal application makes out a *prima facie* violation of the OHSA (something already addressed by the Board long ago; see, *Kevin Huggins v Red Lobster*, 2024 CanLII 114223 (ON LRB), dated October 24, 2024). I will not address these aspects of the RFR, as none of them are relevant to whether the Board should reconsider its finding that Mr. Huggins engaged in an abuse of process and that he is a vexatious litigant. I simply note here that even though the Board determined that the Red Lobster reprisal application met the low threshold of making out a *prima facie* violation of the OHSA does not mean that he is free to conduct the litigation in an abusive and vexatious manner.

36. The following summarizes the allegations as the Board understands them. By way of the RFR Mr. Huggins asserts that I condemned him for reporting sexual harassment, that I repeatedly accused him of uttering “what could be perceived as a threat”, and that I abandoned that position after he cited the Criminal Code definition of a “true threat” thereby demonstrating that the allegation was legally unsustainable, and that I re-entered the proceeding after Vice-Chair Keating issued his decision. He says that the foregoing constitutes a reasonable apprehension of bias and raises the inference that:

- a) Vice-Chair Ross continued to monitor and intervene in the Applicant’s matters, procedurally stalking him
- b) someone within the Board alerted her to the Applicant’s new filings; or
- c) one or both of the responding parties – Red Lobster Inc. and/or U.F.C.W. Local 1006 – tipped her off.

37. He says matters escalated when I issued the Decision, something he says was issued without hearing, without a vexatious litigant application, without notice and without jurisdiction. He says that I improperly “seized” Board Case Nos. 2405-25-UR, 2479-25-U, 2571-25-U, 2579-25-U, 2582-25-UR and 2621-25-UR. He asserts that he has the right to file new applications and that no Vice-Chair has the right to say otherwise and that his multiple proceedings are not the “personal concern” of this Vice-Chair. He further asserts that his actions are protected by law. He suggests that the Board colluded with UFCW by

permitting to engage in vexatious litigation when it filed identical responses to the Board Case Nos. 2479-25-U and 2571-25-U and that the Board relied on those responses in declaring him a vexatious litigant. He therefore says the impugned decision is a product of procedural unfairness, abuse of process and a reasonable apprehension of bias.

38. Mr. Huggins says that based upon the “cumulative record” (that I maligned him for reporting the harassment, that I labelled his email referenced in the April 4, 2025 decision as a “perceived threat”, that I placed his matters in abeyance for months he raised concerns about my conduct, that there was Vice-Chair switching, a reference to a procedural decision issued by Vice-Chair Keating, that I allowed UFCW to file identical responses to two separate applications, that he filed a Notice of Constitutional Question the Board had not addressed and that I addressed all of his applications in the Decision) there is a reasonable apprehension of bias and that I ought not to deal with the RFR. He relies on these same reasons as support for why the Decision ought to be set aside.

39. I have already set out the Board’s policy approach why reconsideration requests are assigned to the same Vice-Chair that authored the subject decision. The arguments put forth by Mr. Huggins are the same as those that formed the basis of his request that I recuse myself from his proceedings. That motion is addressed at paragraphs 36 through 59 of the Decision. I need not repeat my reasoning here. With the exception of the allegation that I accused him of uttering what could be perceived as a threat and that I placed his litigation in abeyance, these are the same issues raised in the recusal motion and therefore the RFR as it relates to this part of the Decision is nothing more than an attempt to re-argue that motion.

40. The assertion that I accused Mr. Huggins of uttering what could be perceived as a threat is a reference to the Board’s comments at paragraph 32 of the April 4, 2025 decision (set out above) in relation to Mr. Huggins’ email to counsel stating that he would “fuck you up”. Mr. Huggins did not seek reconsideration of the April 4, 2025 decision therefore I need not address this allegation. I did not place Mr. Huggins’ applications in abeyance; I took time to consider the serious motions pending before the Board before issuing a decision.

41. I start with the notion that Mr. Huggins has an unfettered right to file applications with the Board because his actions are protected by statute. Mr. Huggins’ position is emblematic of his approach to this litigation overall – the sense that he can do as he wishes without rules,

oversight or consequences. He is incorrect. The Board has the authority to make rules and orders about the manner in which parties may commence and file applications before the Board, to declare an individual to be a vexatious litigant and to implement a procedure by which the applicant may file future applications; see, paragraphs 64 and 65 of the Decision and the cases cited therein.

42. In defence of his actions, Mr. Huggins says that his conduct after July 8, 2024 (the date he filed a complaint of sexual harassment with Red Lobster) is protected under section 2(b)⁴ of the *Charter of Rights and Freedoms*⁵ and section 232(2)⁶ of the *Criminal Code*⁷. That provision of the Criminal Code relates to provocation as a defence to murder and has no application here. Mr. Huggins raised the foregoing Charter argument in his submissions in response to the motions filed by the other parties. The Board addressed the issue in the Decision (at paragraph 74) as follows:

74. In response to Red Lobster's motions Mr. Huggins filed a copy of the Canadian Charter of Rights and Freedoms (the "Charter") emphasizing Article 2. He provides no submissions about the relevance of the Charter. It appears, however, that his submission is intended to express Mr. Huggins' belief that he is free to act and communicate as he wishes regardless of the Board's directions. The sentiment that Mr. Huggins can do as he wishes in the face of the Board's directions perhaps best captures Mr. Huggins' defiance in the face of the Board's orders. However, the Charter does not insulate Mr. Huggins from his requirement to conduct himself appropriately in his dealings with opposing counsel and the Board.

⁴ Everyone has the following fundamental freedoms:

....

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

....

⁵ *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982 being Schedule B to the Canada Act 1982 (UK), 1982 c.11*

⁶ Section 232(2) Conduct of the victim that would constitute an indictable offence under this Act that is punishable by five or more years of imprisonment and that is of such a nature as to be sufficient to deprive an ordinary person of the power of self-control is provocation for the purposes of this section, if the accused acted on it on the sudden and before there was time for their passion to cool.

⁷ RSC 1985, c C-46

The Charter also does not insulate him from a finding that he engaged in an abuse of process or vexatious litigation. Mr. Huggins did not seek reconsideration of the April 4, 2025 decision and it is far too late to do so now.

43. Mr. Huggins asserts that the fact that he filed Notice of a Constitutional Question in the Red Lobster reprisal application which was not addressed by the Board supports reconsideration of the Decision and is further evidence of the Board's apprehension of bias. The Notice of Constitutional Question related to what he says happened on the first day of hearing (that I demeaned him etc.). The Decision addresses those allegations in the context of the recusal motion and elsewhere in the Decision. The Notice of Constitutional Question was not addressed because the Red Lobster Reprisal application was dismissed by the Board. See, paragraphs 22 and 106 of the Decision.

44. Mr. Huggins complains that the Board permitted UFCW to engage in vexatious litigation when it filed identical responses to Board Case Nos. 2479-25-U and 2571-25-U, both of which are applications under section 74 of the Act. By way of those responses, UFCW brought a motion to dismiss the applications on the basis that Mr. Huggins had not plead a *prima facie* violation of the Act and made submissions that Mr. Huggins had engaged in an abuse of process and that he ought to be declared a vexatious litigant.

45. There is nothing wrong or abusive about filing identical responses, particularly where each of the applications address the same legal issue, namely whether there was a violation of UFCW's duty of fair representation, or raise the same defences. The contents of a pleading frames the issues in dispute and can, in some circumstances, limit the evidence that a party may put before the Board. However, the Board does not police a party's response.

46. It is incorrect to state that the Decision was made without notice to Mr. Huggins or giving him an opportunity to respond or that the Board relied only on the "cut and paste" responses filed by UFCW. The Board directed the parties to file submissions in relation to Lobster's abuse of process and vexatious litigant motion by way of the April 4, 2025 decision. The parties were further directed to provide submissions in response to UFCW's motions by way of a decision dated May 29, 2025; see, *Kevin Huggins v Red Lobster*, 2025 CanLII 54787 (ON LRB). Mr. Huggins had full notice of the respective motions, was given an opportunity to respond to them and he did so. Mr. Huggins was put on notice about his conduct and the future consequences of his behaviour

by way of the Board's April 4, 2026 decision. The Board considered the submissions of the parties, including Mr. Huggins, when it issued the Decision.

47. Mr. Huggins says the Board erred when it did not consider a "secret recording" that demonstrates that he had his former girlfriend's permission to file applications before the Human Rights Tribunal of Ontario and the Board and that it provides proof of reprisal on the part of Red Lobster and misconduct on the part of UFCW. Even if there is such a recording and even if it demonstrates what Mr. Huggins says it does, the Board was not considering the merits of any of his applications when it issued the Decision. In any event, Mr. Huggins has not produced any such recording either in support of his position on the motion or the merits of his various applications, nor has he produced it now. It goes without saying that the Board cannot consider what was never before it, but in any event, even if such a recording were relevant to the matters at issue in the Decision (which is not at all clear), it is far too late to rely on it now. The suggestion that Mr. Huggins has secret recordings of something is not new. He suggested that he had a recording of the May 4, 2025 hearing into the Red Lobster reprisal application that would demonstrate what he says was my misconduct. No such recording has ever been produced. See paragraphs 48 and 49 of the Decision.

UFCW reprisal application and UFCW reprisal IO

48. By virtue of the Decision the UFCW reprisal application (Board Case No. 0966-25-UR) was stayed and the related UFCW reprisal IO (Board Case No. 0967-25-UR) was dismissed. The Board nonetheless directed submissions from the parties about why the UFCW reprisal application ought not to be dismissed. The Board directed as follows:

122. Section 50(1) of the OHSA provides as follows:

50 (1) No employer or person acting on behalf of an employer shall,

- (a) dismiss or threaten to dismiss a worker;
- (b) discipline or suspend or threaten to discipline or suspend a worker;
- (c) impose any penalty upon a worker; or
- (d) intimidate or coerce a worker,

because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*.

123. Section 50 applies to prohibit an *employer and persons acting on behalf of an employer* from reprisal against a worker who has sought the protections of the OHSA. UFCW is not Mr. Huggins' employer and there is no claim in either the UFCW reprisal or reprisal IO applications that it was somehow acting on Red Lobster's behalf.

124. Given the Board's comments and notwithstanding that these applications are stayed as a result of the finding that Mr. Huggins is a vexatious litigant (discussed below), Mr. Huggins is to provide his reasons why the Board ought not to simply dismiss the UFCW reprisal application at this time since UFCW is not his employer. He is to provide his submissions by no later than **December 30, 2025. If Mr. Huggins does not provide the required submissions, the UFCW Reprisal Application will be dismissed.**

The Board will not permit Mr. Huggins to amend his application in response to the Board's comments.

[Emphasis in the original]

The UFCW reprisal IO was dismissed because the remedy sought presupposes a finding that UFCW violated section 50 of the OHSA.

49. Mr. Huggins did not provide any submissions in response to the Board's direction. It is clear that UFCW was not Mr. Huggins' employer and there is no suggestion that it was acting on behalf of Red Lobster. The UFCW reprisal application is hereby dismissed.

Disposition

50. For all of the reasons set out herein, the request for reconsideration of the Board's December 12, 2025 decision is hereby dismissed.

51. The UFCW reprisal application (Board Case No. 0966-25-UR) is hereby dismissed.

"Peigi Ross"
for the Board