



IN THE MATTER OF:

BRAD HAYNES,

ARB CASE NO. 2021-0026

COMPLAINANT,

ALJ CASE NO. 2019-FRS-00062

v.

DATE: May 20, 2021

UNION PACIFIC RAILROAD
COMPANY,

RESPONDENT.

Before: James D. McGinley, *Chief Administrative Appeals Judge*, and
Thomas H. Burrell, *Administrative Appeals Judge*

ORDER DISMISSING COMPLAINT

PER CURIAM. This case arises under the whistleblower protection provisions of the Federal Railroad Safety Act of 1982 (FRSA).¹ On April 13, 2021, the Administrative Review Board (Board) issued a Notice of Appeal and Order Establishing Briefing Schedule in the appeal of the Administrative Law Judge Patrick M. Rosenow’s Order Cancelling Formal Hearing and Dismissing issued March 26, 2020.

On May 14, 2021, Complainant filed a Notice with the Board indicating that on May 13, 2021, he had filed an original action pursuant to 49 U.S.C. § 20109(d)(3), with the United States District Court for the Western District of Missouri Western Division, seeking review.

Since Complainant has chosen to proceed in district court, the Department of Labor no longer has jurisdiction over his case. As the statute provides, the “district

¹ 49 U.S.C. § 20109 (2008), as implemented by 29 C.F.R. Part 1982 (2020) and 29 C.F.R. Part 18, Subpart A (2020).

court of the United States . . . shall have jurisdiction over such an action.”² We therefore **DISMISS** this case on the ground that Complainant has removed it to district court.

SO ORDERED.

² 49 U.S.C. § 20109(d)(3).