

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 03 June 2014

ALJ NO.: 2014-CFP-00006

In the Matter of:

THOMAS ROWE,
Complainant,

v.

VICTORY AUTOMOTIVE GROUP INC,
Respondent.

ORDER DISMISSING COMPLAINT AND CANCELING HEARING

This proceeding arises from a complaint of discrimination filed under the employee protection provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Public Law 111-203, 124 Stat. 1376, 1955 (July 21, 2010), codified at 12 U.S.C. § 5567, and the procedural regulations found at 29 C.F.R. Part 1985.

During a telephonic status conference held on May 7, 2014, the Complainant, through counsel, notified me of his intent to file an original action in United States District Court, as authorized by 29 C.F.R. § 1985.114(a).¹

On May 19, 2014, Complainant filed a complaint with the U.S. District Court for the Eastern District of Michigan (Rowe v. Victory Automotive Group, Inc., No. 2:14-CV-11989-MOB-PJK), and provided my office with a copy of the complaint as required by 20 C.F.R. § 1985.144(d). On June 3, 2014, the parties filed a Stipulated Order of Dismissal based on the fact that the Complainant has filed a civil action and invoked the jurisdiction of the U.S. District Court.

¹ Pursuant to Section 1985.114(a), a complainant “may bring an action at law or equity for de novo review in the appropriate district court of the United States . . . (1) Within 90 days after receiving a written determination under § 1985.105(a) provided that there has been no final decision of the Secretary; or (2) If there has been no final decision of the Secretary within 210 days of the filing of the complaint.”

As the Complainant has filed a complaint in District Court based on the same facts that constituted his action before the Office of Administrative Law Judges, I no longer have jurisdiction over the instant matter.

Accordingly, the above-captioned matter is hereby **DISMISSED** for lack of continued jurisdiction, and the hearing scheduled for July 24, 2014, in Detroit, Michigan is **CANCELED**.

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts