

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 02 October 2012**

Case No.: **2011-FRS-00033**

In the Matter of:  
JEFFREY DAVIS,  
Complainant

v.

UNION PACIFIC RAILROAD COMPANY,  
Respondent

**NOTICE OF INTENTION TO FILE ORIGINAL ACTION**  
**IN UNITED STATES DISTRICT COURT**

By Notice filed September 24, 2012, counsel for the Complainant confirmed that the Complainant has exercised his right to pursue this claim in Federal District Court, and indicated service of this Notice on the Respondent, the Regional Administrator and the Assistant Secretary, Occupational Safety and Health Administration, and on the Regional Solicitor, Dallas, Texas, U.S. Department of Labor. Under 49 U.S.C. § 20101(d)(3), the District Court now has jurisdiction of this matter.

Accordingly, the complaint before the Office of Administrative Law Judges is **DISMISSED**.

**SO ORDERED.**

JOSEPH E. KANE  
Administrative Law Judge