

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 October 2012

CASE NO. 2012-FRS-00071

In the Matter of:

GREGORY BOMBERGER,
Complainant,

v.

UNION PACIFIC RAILROAD COMPANY,
Respondent.

ORDER DISMISSING COMPLAINT

This matter arises under the employee-protection provisions of the Federal Rail Safety Act, 49 U.S.C. § 20109. After investigation by the Occupational Safety and Health Administration (OSHA) of a complaint filed by Complainant Gregory Bomberger, the matter was forwarded to this Office for formal hearing. On September 10, 2012, counsel for Complainant submitted a Notice of Intent to File Original Action in United States District Court. On the same day, I issued an order requiring the parties to take certain steps, including submission of a file-stamped copy of the complaint filed in U.S. District Court. Under cover letter dated October 19, 2012, Complainant submitted the requested document. Because 210 days have passed since the filing of the complaint with OSHA, there is no final order of the Secretary, and there is no showing that any delay is owing to the bad faith of the complainant, this matter will be dismissed under 29 C.F.R. § 1982.114.

Accordingly, IT IS ORDERED that the complaint in the above-captioned matter is DISMISSED.

SO ORDERED.

PAUL C. JOHNSON, JR.
Associate Chief Administrative Law Judge