

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

Issue Date: 26 June 2012

CASE NO.: 2012-FRS-00038

In the Matter of:

ROBIN B. YOUNG,
Complainant,

v.

CSX TRANSPORTATION INC.,
Respondent.

ORDER OF DISMISSAL

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“the FRSA”), 49 U.S.C. § 20109 (Supp. II 2008). This matter was set for hearing on June 18, 2012. On May 8, 2012, the parties filed a Joint Motion to Reschedule the Hearing, requesting that the case be delayed until December. During a conference call on May 22, 2012 to address the motion, Complainant’s counsel requested some time to consider bringing an original action in federal district court because the Secretary of Labor had not issued a final order within 210 days of the complaint being filed. *See* § 20109(d)(3). On June 25, 2012, Complainant filed a Notice of Intent to File in District Court.

On the same day, Respondent’s counsel wrote that she does not oppose the dismissal of the Complainant’s case, so that he can file his case in federal district court. Therefore, because the Secretary of Labor has not issued a final decision within 210 days of the Complainant’s filing

his complaint and there is no showing of bad faith in creating this delay, this case is hereby **DISMISSED.**

SO ORDERED.

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TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts