

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 September 2013

CASE NO: 2013-FRS-00068

In the Matter of:

EDWARD E. BLACKORBY,
Complainant,

v.

BNSF RAILWAY COMPANY,
Respondent.

ORDER DISMISSING COMPLAINT

This matter arises out of a complaint filed by Edward E. Blackorby (“Complainant”) against BNSF Railway Company (“Respondent”) under the Federal Rail Safety Act, 49 U.S.C. § 20109 (“FRSA”), as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“9/11 Act”), Pub. L. No. 110-53. (Aug. 3, 2007) and Section 419 of the Rail Safety Improvement Act of 2008 (RSIA), Pub. L. No. 110-432 (Oct. 16, 2008).

By letter dated August 28, 2013, received on September 4, 2013, Complainant notified all parties under 29 CFR § 1980.114(a) that he intended to file a complaint in United States District Court. On September 9, 2013, I ordered Complainant to submit a copy of his District Court complaint within 30 days. On September 20, 2013, I received a copy of the complaint filed by Complainant in the U.S. District Court for the Western District of Missouri. Accordingly, as I no longer have jurisdiction over this matter, the complaint herein is DISMISSED.

SO ORDERED.

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