



**Issue Date: 28 November 2007**

CASE NO.: 2000-STA-9

In the Matter of:

FRED E. ALIFF  
Complainant

v.

ANR ADVANCE TRANSPORTATION  
Respondent

**RECOMMENDED ORDER APPROVING WITHDRAWAL OF OBJECTIONS  
AND DISMISSING CLAIM**

The above action arises under the Surface Transportation and Assistance Act of 1982 (STAA), 49 U.S.C. § 2305, and the implementing regulations found at 29 C.F.R. § 1978. A Complaint was filed by Fred E. Aliff (hereinafter Complainant) on August 26, 1998. Counsel for ANR Advance Transportation (hereinafter Employer) notified this court on January 26, 2000 that Employer filed for Chapter Seven bankruptcy on February 2, 1999. On June 29, 1999, Complainant timely filed a proof of claim in the bankruptcy proceeding. On February 24, 2000, I issued an Order to Submit Briefs in order to determine whether the instant claim was subject to the automatic stay provisions in 11 U.S.C. § 362(a). Upon review, I issued an Order Advising of Hearing Date on April 7, 2000. Counsel for the bankruptcy trustee submitted a Motion for Reconsideration, and on May 12, 2000 I issued an Order staying the proceeding pending the outcome of the bankruptcy litigation.

On June 25, 2007, this court received correspondence indicating that on June 19, 2007, the U.S. Bankruptcy Court for the Eastern District of Wisconsin issued an Order discharging the Chapter 7 trustee and closing the case.

An Order to Show Cause was issued on November 7, 2007, compelling Complainant to show cause why the STAA claim should not be dismissed. Complainant responded by letter dated November 13, 2007. He indicated that he did not wish to keep the claim open as he had been reinstated to his position.

ORDER

IT IS HEREBY RECOMMENDED to the Secretary of Labor that the Complaint of Fred E. Aliff under the Surface Transportation and Assistance Act be DISMISSED.

**A**

DANIEL L. LELAND  
Administrative Law Judge

**NOTICE OF REVIEW:** The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.