

**U.S. Department of Labor**

Office of Administrative Law Judges  
800 K Street, NW, Suite 400-N  
Washington, DC 20001-8002

(202) 693-7300  
(202) 693-7365 (FAX)



**Issue Date: 20 September 2005**

CASE NO.: 2003 STA 36

In the Matter of

ASSISTANT SECRETARY OF LABOR FOR  
OCCUPATIONAL SAFETY AND HEALTH  
Prosecuting Party

and

DOMICO ROMERIO BRYANT  
Complainant

v.

MENDENHALL ACQUISITION CORP.  
d/b/a BEARDEN TRUCKING  
Respondent

Appearances: Mr. Dan Steffenson, Attorney  
For the Prosecuting Party

Mr. James T. Calmes, III, Attorney  
Mr. Andreas N. Satterfield, Jr., Attorney (on appeal)  
For the Respondent

Before: Richard T. Stansell-Gamm  
Administrative Law Judge

**DISPOSITION ORDER**

Following a hearing in July 2003, I issued a Recommended Decision and Order, dated October 31, 2003, finding the Respondent liable for the unlawful employment termination of the Complainant due to his protected activities under the Surface Transportation Assistance Act ("STAA"), 49 U.S.C. § 31105. I also assessed liability for back pay in the amount of \$7,360 and determined front pay was not warranted.

Upon appeal, in July 2005, the Administrative Review Board ("ARB") affirmed my determination that the Respondent unlawfully terminated the Complainant's employment. However, faulting my damages analysis, the ARB awarded over \$18,000 in back pay and remanded the case to me for determination of the amount of front pay. Following my receipt of the case file, I conducted a telephone conference with parties' representatives on July 21, 2005.

At that time, Mr. Satterfield expressed an intention to file an appeal to U.S. Circuit Court of Appeals for the Fourth Circuit.

On September 8, 2005, Mr. Satterfield filed the appeal. On September 19, 2005, I received a telephone request from Ms. Sharon Gatland, representing the ARB, for return of the case file due to the pending appeal.

Since the Respondent's appeal contests my finding of an unlawful employment termination, further adjudication of any additional damages will be stayed pending a final determination on the Respondent's liability under the STAA. Accordingly, the case will be returned to the ARB for appellate processing as requested.

**SO ORDERED:**

**A**  
RICHARD T. STANSELL-GAMM  
Administrative Law Judge

Date Signed: September 19, 2005  
Washington, D.C.