



Issue Date: 22 October 2013

Case No.: 2013-STA-00044

In the Matter of:

TIMOTHY E. PYFFEROEN,
Complainant,

v.

PROFESSIONAL TRANSPORTATION INC.,
Respondent.

ORDER DISMISSING CASE

This case arises under the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110-53 (the “Act”). Mr. Timothy Pyfferoen (Complainant) filed a complaint with the Secretary of Labor on April 11, 2013, alleging that Professional Transportation Inc. (Respondent) discriminated against him in violation of STAA. On April 16, 2013, the Secretary issued *Findings*, stating Complainant is not covered under the Act because he did not operate a “commercial motor vehicle.” Complainant appealed the *Findings* and his case was transferred to the Office of Administrative Law Judges on May 14, 2013.

On June 5, 2013, I issued an *Order to Show Cause*, directing Complainant to provide documentation showing that he either operated a commercial motor vehicle, as defined under the Act, or that he directly affected the safety of a commercial motor vehicle while employed by a commercial motor carrier. *See* 49 U.S.C. § 31101(1). I also stated in my *Order to Show Cause* that Complainant is strongly encouraged to seek the advice of an attorney. I further advised Complainant that if he failed to comply with this *Order* or explain how he is covered under STAA, within thirty days then his case may be dismissed as not falling under the coverage of STAA. To date, Complainant has not responded to my *Order to Show Cause*.

Accordingly, this case is hereby **DISMISSED** because it does not fall under the coverage of the Act.

SO ORDERED.

CHRISTINE L. KIRBY
Administrative Law Judge