

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 April 2013

CASE NO: 2013-STA-00005

In the Matter of:

JAYSON RULO,
Complainant,

v.

THUNDERBIRD TRUCKING, INC.,

and

PALMENTERE BROTHERS CARTAGE SERVICE, INC.,

and

JOE PALMENTERE,
Respondents.

DISMISSAL

On June 29, 2012, Jayson Rulo filed a complaint with the United States Department of Labor, Occupational Safety and Health Administration (OSHA), alleging Thunderbird Trucking, Inc., Palmentere Brothers Cartage Service, Inc., and Joe Palmentere (collectively Thunderbird) violated the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. Section 31105, when Thunderbird terminated him on or about February 14, 2012. On October 4, 2012, the Regional Administrator, OSHA, acting for the Secretary of Labor, found that Mr. Rulo failed to make a prima face case that the termination violated the STAA.

On October 22, 2012, Mr. Rulo filed his Objections to the Secretary's Findings and Request for a Hearing. The case was assigned to me and on November 20, 2012, I issued a Notice of Hearing scheduling a hearing for April 24, 2013. Mr. Palmentere filed a copy of a Notice of Chapter 11 Bankruptcy indicating that Thunderbird Trucking, Inc. and Palmentere Brothers Cartage Service, Inc., among other corporate identities, filed a Chapter 11 Bankruptcy case on September 14, 2012.

On April 4, 2013, I received Complainant's Motion to Dismiss with Prejudice. In the Motion, Mr. Rulo withdrew his objections to the Secretary's findings and because "it appears

that all of the Respondents are insolvent” sought dismissal of the case. For good cause shown, I **GRANT** Mr. Rulo’s motion. Case No. 2013-STA-00005 is hereby **DISMISSED** with prejudice.

SO ORDERED.

STEPHEN M. REILLY
Administrative Law Judge

Washington, DC