

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 01 July 2014

CASE NO.: 2014-STA-00038

IN THE MATTER OF

**RANDALL SCOTT,
Complainant**

v.

**MEMCO INC.,
Respondent**

**ORDER DISMISSING CLAIM BECAUSE COMPLAINANT
HAS FILED A COMPLAINT IN THE U.S. DISTRICT COURT**

This proceeding arises under the Surface Transportation Assistance Act, 49 U.S.C. § 31105 (STAA). The statute and implementing regulations provide that a complainant may file a complaint in the United States District Court if the Secretary of Labor has not issued a final decision within 210 days of the filing of a complaint with OSHA, and there is no showing that such delay is due to the bad faith of the complainant. More than 210 days have elapsed since the complaint was filed with the Department of Labor in this case. On June 16, 2014, the Complainant notified the Court that he had filed a Complaint in United States District Court based on his STAA claim against the Respondent. The Parties have filed a joint motion to dismiss with prejudice. Accordingly, I find that the claim should be, and hereby is, **DISMISSED WITH PREJUDICE.**

SO ORDERED.

**LARRY W. PRICE
ADMINISTRATIVE LAW JUDGE**