



Issue Date: 09 January 2019

CASE NO.: 2018-STA-77

IN THE MATTER OF

LESLIE HAVEN,

Complainant

v.

DART TRANSIT COMPANY,

Respondent

ORDER OF DISMISSAL

This matter arises under the employee-protection provisions of the Surface Transportation Assistance Act of 1982 (the Act)¹ and the regulations published thereto.² Complainant filed a complaint with the Occupational Safety and Health Administration (“OSHA”) on or about 24 May 18 alleging Respondent terminated her employment in retaliation for her raising concerns about the behavior of other drivers. On 27 Jul 18, OSHA dismissed the complaint, finding no reasonable cause to believe that a violation of the Act occurred. Complainant timely filed objections to the Secretary’s Findings and requested a hearing before an administrative law judge. The matter was assigned to me and the parties agreed to set the case for hearing on 2 Apr 19. On 7 Jan 19, Complainant gave notice that she has exercised her right to

¹ 49 U.S.C. § 31105.

² 29 C.F.R. Part 1978.

pursue her claims in federal district court and attached a copy of the complaint filed in the United States District Court for the Eastern District of Illinois.³ Under the Act, the United States District Court has assumed jurisdiction of this matter.⁴ Accordingly, it is hereby **ORDERED** that the complaint is **DISMISSED** and the formal hearing scheduled for 2 Apr 19 is hereby **CANCELLED**.

SO ORDERED.

PATRICK M. ROSENOW
Administrative Law Judge

³ Case 3:19-cv-00024.

⁴ 49 U.S.C. § 31105(c). Under the enforcement provisions of the Act, if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint, and if the delay is not due to the bad faith of the employee, the employee may assert her claim in federal district court.