

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

**Issue Date: 16 January 2019**

ALJ NO.: 2019-STA-00005

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*In the Matter of:*

LYNN LAROCQUE,  
*Complainant,*

v.

HISTORIC TOURS OF NEWPORT, LLC,  
*Respondent.*

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**ORDER OF DISMISSAL**

This proceeding arises from a complaint of discrimination filed under employee protection provisions of Section 405 of the Surface Transportation Assistance Act (“STAA”), as amended, 49 U.S.C.A. § 31105 (West 2008) and the procedural regulations found at 29 C.F.R. Part 1978 (2012).

On January 15, 2019, Robert Savage, counsel for Complainant, filed a letter with our office stating Complainant does not seek to pursue her claim under the STAA, but rather intends to proceed in state court under the Rhode Island Whistleblowers’ Protection Act.<sup>1</sup>

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<sup>1</sup> Earlier on November 28, 2018, counsel for Complainant sent a letter to the U.S. Department of Labor’s Office of Administrative Law Judges which appeared to indicate Complainant wished to have a hearing before an administrative law judge, but the letter referenced the Rhode Island Whistleblower’s Protection Act and the desire for a jury trial. My office contacted Mr. Savage for clarification. He represented his client wished to pursue her claim in Rhode Island state court and the letter’s suggestion he was requesting a hearing before the Office of Administrative Law Judges was the result of a typographical error. He was requested to file a motion to withdraw claim under the STAA. Instead he submitted a corrected letter stating he was not requesting a hearing before the OALJ.

As Complainant's counsel has represented Complainant does not wish to pursue a claim under the STAA, the present claim before the Office of Administrative Law Judges is hereby **DISMISSED**.

**SO ORDERED.**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts