



Issue Date: 22 June 2020

CASE NO.: 2020-STA-37

In The Matter Of:

ADRIANO BUDRI,
Pro Se Complainant,

v.

FIRSTFLEET, INC.,
Respondent.

ORDER ON COMPLAINANT’S MOTION FOR RECONSIDERATION

This proceeding arises under the Surface Transportation Assistance Act of 1982¹ and the regulations promulgated thereunder.² The Secretary of Labor is empowered to investigate and determine “whistleblower” complaints filed by employees of commercial motor carriers who are allegedly discharged or otherwise discriminated against with regard to their terms and conditions of employment because the employee refused to operate a vehicle when such operation would violate a regulation, standard, or order of the United States related to commercial motor vehicles.

This is the fourth round of litigation brought by Complainant against Respondent. All four address Complainant’s three weeks of employment as a commercial truck driver with Respondent, his termination, and the reporting of his employment and termination to a third party that maintains driver employment histories. All four cases resulted in his complaint being denied for various reasons, but most notably because he failed to file a complaint within 180 days of becoming aware of Respondent’s alleged retaliatory actions against him. Complainant has unsuccessfully sought relief from two administrative law judges, the Administrative Review Board (ARB), a federal district court, the United States Fifth Circuit Court of Appeals, and the United States Supreme Court.

¹ 49 U.S.C. § 31105.

² 29 C.F.R. Part 1978.

I denied Complainant's most recent complaint on 18 Jun 20. The next day, 19 Jun 20, he filed by email his notice of appeal to the ARB. The day after that, he filed a Motion for Reconsideration. Complainant's most recent actions are emblematic of what appears to be either his inability to understand or refusal to comply with proper procedure. Once Complainant filed his notice of appeal to the ARB, I no longer had any jurisdiction over his complaint. Therefore, his own actions rendered his Motion for Reconsideration moot. Until his complaint is remanded to me from the ARB, I can take no action on his case and will disregard any motion or any other filing that I do so.³

ORDERED this 22nd day of Jun, 2020, at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge

³ That includes any Motion for Indicative Ruling. Since Complainant filed a Motion for Indicative Ruling in the previous case before me, I have considered whether one would be appropriate in this case, and it would not.