

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 22 April 2020**

OALJ Case No.: 2020-STA-00025  
OSHA Case No. 7-5880-19-098

***In the Matter of:***

CHRISTOPHER NORTHCUTT,  
*Complainant,*

v.

D & S CONVENIENCE STOP, LLC.  
and STAN LEFORT,  
*Respondents.*

**ORDER GRANTING IMPLIED REQUEST TO WITHDRAW OBJECTIONS  
AND REQUEST FOR HEARING**

This matter arises under the Surface Transportation Assistance Act of 1982 (“STAA” or the “Act”), 49 U.S.C. § 31105, and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On May 31, 2019, Complainant filed a complaint with the Secretary of Labor alleging that Respondents retaliated against him in violation of the Act when he was fired after raising safety complaints about the vehicles he was assigned to drive and refusing to operate them. The Secretary, acting through the assistant regional administrator for the Occupational Safety and Health Administration, dismissed the complaint on December 30, 2019, finding insufficient evidence to believe a violation of the Act occurred.

Complainant’s then counsel, Paul Taylor and Peter Lavoie, Esqs., of Truckers Justice Center, filed objections to the Secretary’s Findings on January 3, 2020 and requested a hearing before the Office of Administrative Law Judges. The matter was then assigned to me and, on January 23, 2020, I issued a *Notice of Hearing and Prehearing Order* requiring the parties to comply with certain discovery and procedural deadlines and setting the matter for a formal hearing on June 30, 2020 in or around Kansas City, Missouri.

On February 21, 2020, Mr. LaVoie filed *Complainant’s Pleading Complaint, Motion for Leave to Withdraw as Counsel* (“Motion to Withdraw”), and *Motion to Stay All Deadlines* (“Motion to Stay Deadlines”), asserting that “the undersigned has been unable to reach

Complainant by phone, email, text message or certified letter since December of 2019,” and moved to withdraw his appearance as Complainant’s counsel in this matter. Mr. LaVoie served a copy of the Motion to Withdraw on Complainant on February 17, 2020 at his last known email and mail addresses. To date, Complainant has not filed a response with this Court.<sup>1</sup>

Given Complainant’s failure to file an objection, and that the hearing was still several months away, I found that Mr. Taylor, Mr. LaVoie, and Truckers Justice Center’s withdrawal as Complainant’s representative was appropriate under 29 C.F.R. § 18.22(e) and issued an Order on March 6, 2020 granting the motion to withdraw. However, I did not stay the deadlines set forth in the January 23, 2020 Order, including the requirement to engage in discovery and provide the documents and information set forth in 29 C.F.R. 18.50, to the extent not previously exchanged. However, given the lack of contact with his previous counsel, it appeared that Complainant may not be interested in further prosecuting his case, to include engaging in discovery.

Therefore, in the March 6, 2020 Order, I gave Complainant 30 days to notify the Court in writing whether he is now representing himself in this matter, or if he has or is seeking a new attorney to represent him. I informed Complainant that if he did not respond to this Order, the Court would treat such action as an implied request to withdraw his objections to the Secretary’s December 30, 2019 Findings. I further informed Complainant that, if the request to withdraw was approved, the Secretary’s December 30, 2019 Findings dismissing the complaint would become the final order of the Secretary. 29 C.F.R. § 1978.111(c).

To this date, the Court has not received a response from Complainant. Accordingly, treating the lack of a response as a request to withdraw his objections to the Secretary’s December 30, 2019 Findings, the request is GRANTED, the June 30, 2020 hearing in Kansas City, Missouri is CANCELLED, and this matter is DISMISSED.<sup>2</sup>

**SO ORDERED:**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge

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<sup>1</sup> A party to the proceeding may file an opposition or other response to the motion within 14 days after the motion is served. 29 C.F.R. § 18.33(d).

<sup>2</sup> Due to the coronavirus pandemic, U.S. Postal Service mail and UPS/FedEx deliveries are not currently being accepted at OALJ’s National Office in Washington, DC. Therefore, it is possible that Complainant attempted to file a response to the March 6, 2020 Order, but OALJ did not receive it. To ensure Complainant is not unfairly prejudiced, **the effective date of this Order is STAYED for seven days from the issue date** to give Complainant time to refile his response by email at OALJ-Filings@dol.gov. Instructions and requirements for filing via email are found on the OALJ website at [www.oalj.dol.gov/FILING\\_BY\\_EMAIL.HTML](http://www.oalj.dol.gov/FILING_BY_EMAIL.HTML). **Failure to follow these instructions and requirements may result in rejection of the email filing.** Complainant will be served a copy of this Order at the email address on the certificate of service attached to the Motion to Withdraw filed by his former counsel.