



**Issue Date: 21 July 2022**

*In the Matter of:*

**DONALD VAN METER,**  
*Pro Se Complainant,*

*v.*

**BDR EXPRESS, INC.**  
*Respondent.*

**Case No. 2020-STA-00031**

### **ORDER OF DISMISSAL**

This case arises under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105, as amended, and the implementing regulations at 29 C.F.R. Part 1978.

On June 23, 2022, a Notice of Assignment and Order Requesting Joint Proposed Scheduling Order (“Order”) was issued, notifying the parties of the reassignment of the above case to the undersigned. Because of the length of time between the August 6, 2020 Preliminary Order and the reassignment, I ordered the parties to provide a Joint Proposed Scheduling Order, outlining when discovery is completed and when the Joint Prehearing Statement will be filed. I referred the parties to the August 6, 2020 Preliminary Order for guidance. I also outlined various dates in that Order for the benefit of the pro se parties.

The parties were ordered to provide the Joint Proposed Scheduling Order within fourteen (14) days of the date of the order and warned that the failure to timely file the Joint Proposed Scheduling Order could result in sanctions, or July 7, 2022. The parties failed to file a Joint Proposed Scheduling Order, thus an Order to Show Cause was issued, ordering the parties show cause why sanctions should not be assessed for failure to follow the Order, and that the parties may respond to the Order to Show Cause by submitting a Joint Proposed Scheduling Order. The parties were given until July 22, 2022 to respond.

Since the Order to Show Cause, several emails were received by the Office of Administrative Law Judges (“OALJ”), showing attempts by the parties to come up with dates for a Joint Proposed Scheduling Order. On July 13, 2022, Complainant responded to Respondent’s attempts, stating:

Based on my sons with special needs and my other son with special needs I am going need to non suit the case. I am not going to be able to work with the legal matters by myself at this time.

Due to the uncertainty created by this email, a telephonic status conference was scheduled to ascertain Complainant’s request. The conference was set for Wednesday, July 20, 2022 at 4pm. On July 19, 2022, Complainant emailed staff at OALJ, stating:

I stated In previous email I have things going on in my personal life. That I have to dismiss the claim or case against. BDR Express, Inc.

On July 20, 2022, in an email, Complainant confirmed that he wanted to dismiss the claim as he was not prepared to pursue the claim due to family circumstances and that he did not feel he could pursue the claim without an attorney.<sup>1</sup>

Complainant’s request to dismiss his claim is **GRANTED**.<sup>2</sup>

**SO ORDERED.**

**HEATHER C. LESLIE**  
Administrative Law Judge  
Washington, DC

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<sup>1</sup> Complainant did indicate that he was going to hire an attorney “in the near future.” However, as this case has been in front of OALJ for almost two years without resolution, as well as the uncertainty of when the “near future” will occur, I will dismiss the claim **without prejudice**.

<sup>2</sup> For benefit of the *pro se* Complainant, 29 C.F.R. § 18.93 allows for a Motion for Reconsideration of a decision and order, including this order, to be filed no later than 10 days after the date of this order if he intends to pursue his claim.