

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

Issue Date: 24 November 2021

ALJ NO.: 2021-STA-00055

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*In the Matter of:*

**KEVIN L. MURDOCK, JR.,**  
*Complainant,*

v.

**DIESEL EXPEDITE, INC.;**  
**FONFARA TRUCKING, LLC;**  
**LUKE MAREK and**  
**MARK FONFARA<sup>1</sup>,**  
*Respondents.*

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**ORDER DISMISSING CASE**

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 (2013). On November 17, 2021, I convened a continued status conference on the record. The continued status conference was set by written order that entered on November 2, 2021. Because I convened four prior conferences where only one party appeared at any given conference, in my November 2, 2021 Order, I required all parties to appear. I also indicated that failure to appear by any party at this next hearing will result in either judgment by default or dismissal of this matter, depending on who the non-appearing party is. All respondents appeared, and Complainant failed to appear both at the November 2, 2021 conference and the November 17, 2021 conference. I did take a break during both conferences to call Complainant and his significant other (Melissa Carter). On both occasions, I was able to leave a voicemail message with Ms. Carter who appeared at a

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<sup>1</sup> The original caption listed Luke Fonfara as a respondent. At today’s conference, I learned the correct name of the alleged respondent is Luke Marek and have changed the caption accordingly.

prior hearing for Complainant. Notwithstanding my efforts, no one appeared on behalf of Complainant. Accordingly, for these reasons and the reasons stated on the record during the November 17, 2021 telephone hearing, which are adopted and incorporated herein by reference, it is ORDERED that:

The Complaint of Kevin L. Murdock, Jr., is DISMISSED.

**SO ORDERED.**

**JONATHAN C. CALIANOS**  
District Chief Administrative Law Judge

Boston, Massachusetts