

**U.S. Department of Labor**

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**Issue Date: 07 December 2021**

CASE NO: 2021-STA-00002

OSHA NO.: 5-2330-19-019

*In the Matter of:*

**ERIC OLSON,**  
*Complainant,*

v.

**FIVE STAR TRANSPORTATION SPECIALTIES INC.,  
LIBERO EXPRESS, INC.,  
EDDIE DOE, AND ALLEN DOE,**  
*Respondents.*

**ORDER GRANTING COMPLAINANT’S MOTION TO DISMISS**

This proceeding arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, as amended, and the regulations published at 29 C.F.R. Part 1978.

This case was assigned to me on December 21, 2020. Subsequently, on March 9, 2021, I issued a Notice of Prehearing Conference Call and Prehearing Order, scheduling a conference call for April 20, 2021. On March 22, 2021, Complainant filed his Pleading Complaint. Thereafter, on April 7, 2021, Complainant filed his Withdrawal of Objections to Secretary’s Findings and Order and Motion to Dismiss Complaint with Prejudice (“Motion”). The Motion states that Complainant, “moves the Court to dismiss his complaint with prejudice and without costs awarded to either party. Complainant no longer wishes to pursue this matter and there is no side agreement between the parties.”

Because Respondents had not responded to Complainant’s Motion, the conference call proceeded as scheduled in this matter on April 20, 2021. Complainant’s counsel attended and stated that he believed Respondents had ceased business operations, and that he has had very little communication with Respondents throughout the administrative process. Counsel further indicated that in some instances mailings were returned to sender.

Based on information received during the April 20, 2021 conference call, on April 21, 2021, I issued an Order to Show Cause Why Complainant's Motion to Dismiss Should not be Granted. In that Order, Respondents were ordered to respond to Complainant's Motion to Dismiss by May 14, 2021. That Order, as well as my March 9, 2021 Order, were returned as undeliverable to the three addresses associated with this case when service was attempted upon the Respondents.<sup>1</sup>

Based on the circumstances presented in this matter, I find good cause to grant Complainant's Motion. I further find that Respondents are not prejudiced by granting Complainant's Motion. Accordingly, this case is hereby **DISMISSED**.

**SO ORDERED.**

**CARRIE BLAND**

Associate Chief Administrative Law Judge

Washington, DC.

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<sup>1</sup> I note that multiple other administrative actions were taken over the course of this case in order to ascertain addresses, email, or telephone numbers for the Respondents.