

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
COVINGTON DISTRICT OFFICE**

Issue Date: 07 December 2022

In the Matter of:

CHRIS COSBY,
Complainant,

v.

SOUTH PLAINS IMPLEMENT,
Respondent,

CASE NO.: 2022-STA-00037

OSHA NO.: 6-4140-22-001

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge

ORDER CANCELING HEARING AND DISMISSING CASE

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (“the STAA”) and the regulations promulgated at 29 C.F.R. Part 1978 and 20 C.F.R. Part 24. The STAA and its implementing regulations permit the Complainant to file an action in United States District Court if the Department of Labor has not issued a final decision within 210 days of the filing of the complaint and if the delay is not due to the bad faith of the complainant. 49 U.S.C. § 31105(c); 29 C.F.R. § 1978.114.

On December 6, 2022, the Complainant notified the undersigned of his decision to pursue his STAA claim in federal court, attaching a copy of his Complaint in Case No. 5:22-cv-00308-H filed in the United States District Court, Northern District of Texas, Lubbock Division. The requirements of 49 U.S.C. § 31105(c) are satisfied. Accordingly, the formal hearing currently scheduled in this matter on December 15, 2022 is **CANCELED**, and this administrative claim is **DISMISSED**.

ORDERED this 7th day of December, 2022, at Covington, Louisiana.

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge