

**UNITED STATES DEPARTMENT OF LABOR**  
**OFFICE OF ADMINISTRATIVE LAW JUDGES**  
**Cincinnati, Ohio**

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**Issue Date: 17 July 2023 OALJ Case No.: 2022-STA-00046**

OSHA Case No.: 8-0370-22-017

In the Matter of:

**BRIAN SNYDER,**  
Complainant,

v.

**COMPASS DELIVERY SYSTEMS, INC.,**  
**and EDWARD LAPOINT,**  
Respondents.

**ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE**

This matter was brought under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. § 31105, and the regulations promulgated at 29 C.F.R. Part 1978. It was conducted in accord with the STAA, its implementing regulations, and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges, available at 29 C.F.R. Part 18.

Complainant filed a Complaint with the Occupational Safety and Health Administration (OSHA) on January 26, 2022, alleging that Respondents retaliated against them in violation of the STAA. Complainant alleges that they were discharged on January 6, 2022 in retaliation for reporting a safety issue with their vehicle and refusing to drive in inclement weather. OSHA dismissed the Complaint on March 30, 2022. On April 27 2022, Complainant appealed the dismissal.

After the appeal was filed, Complainant's counsel (Counsel) filed a Motion to Withdraw stating that despite their best efforts, they were unable to contact Complainant.

An initial conference was held on April 28, 2023. Counsel for Complainant and Respondent were both in attendance. Complainant was not. Counsel's Motion to Withdraw was discussed, and Counsel stated that the most recent contact information for Complainant was set forth in their Motion.

On April 28, 2023, I issued an Order Granting Motion to Withdraw and an Order Scheduling Second Conference. Both orders were served upon Complainant.

The second initial conference was held on May 25, 2023. Counsel for Respondent was present. Counsel for Respondent and I waited until fifteen minutes after the scheduled start time, but again Complainant did not appear.

On May 25, 2023, I issued an Order to Complainant to Show Cause Why This Matter Should Not Be Dismissed (Show Cause Order). The Show Cause Order afforded Complainant thirty days to show cause why this matter should not be dismissed. The Show Cause Order also advised Complainant that the matter would be dismissed if they did not respond. This portion of the Show Cause Order was in bold and capital letters.

More than thirty days has passed since issuance of the Show Cause Order, and Complainant has not responded. Accordingly, pursuant to 29 C.F.R. § 18.12(b) and 20 C.F.R. § 1978.115, this matter is dismissed with prejudice.

**IT IS SO ORDERED.**

WILLOW EDEN FORT  
Administrative Law Judge