

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Washington, DC

Issue Date: 13 November 2023 *In the Matter*
of:

JEFFREY J. CEA,
Complainant,

v.

CEMEX, INC.,
Respondent.

Case No. 2023-STA-00053
OSHA No. 4-2950-21-216

DISMISSAL ORDER

This matter arises 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. Complainant is appealing a determination issued by the U.S. Department of Labor’s Occupational Safety and Health Administration on or about May 24, 2023, dismissing a September 10, 2021 complaint alleging Respondent terminated his employment on or about November 3, 2021 in retaliation for reporting a safety issue. The Office of Administrative Law Judges (“OALJ”) docketed the above referenced case on May 25, 2023. This case was subsequently assigned to the undersigned on July 10, 2023.

Procedurally, several show cause orders were issued due to Complainant not submitting a Pleading Complaint per the July 10, 2023, Notice of Assignment and Preliminary Order. An Order Extending Deadlines, giving Complainant until November 3, 2023 to submit a Pleading Complaint, was also issued taking into consideration Complainant’s pro se status.¹

¹ In that Order, I encouraged Complainant to seek the advice of counsel, as pursuing claims under the employee protection provisions of the STAA can involve complex issues and procedures. I further stated that if Complainant is unable to obtain counsel, he will be responsible for meeting deadlines

In response to the last Order to Show Cause, issued on November 6, 2023, Complainant emailed the Office of Administrative Law Judges on November 8, 2023 and indicated that he could not afford an attorney and did not want to pursue his case.

Considering Complainant's email, his case is **DISMISSED**.

SO ORDERED.

HEATHER C. LESLIE
Administrative Law Judge
Washington, DC

and proving his case in court, taking into consideration the statutes and regulations under the STAA.