

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

Issue Date: 26 March 2024

In the Matter of:

ALEX ROBLES,
Complainant,

v.

QUIRCH FOODS, LLC.
Respondent.

CASE NO.: 2023-STA-00016

OSHA NO.: 6-0150-22-068

JOHN M. HERKE
Administrative Law Judge

ORDER OF DISMISSAL

1. Basis for Order. On January 25, 2024, Complainant filed pleading entitled “*Notice of Filing.*” The pleading asserted that Complainant had filed a complaint in federal district court involving the same issues raised in this administrative forum.

On February 5, 2024, the undersigned ALJ issued a procedural order notifying Complainant of the requirement that he must file a copy of the file-stamped federal court complaint with the Office of Administrative Law Judges (OALJ) within seven days of filing the complaint in federal district court.¹ On February 7, 2024, Complainant submitted a file-stamped copy of the first page of a “*Complaint for a Civil Case*” docketed as Case No. 24-251 in the United States District Court for the Eastern District of Louisiana. The page was stamped as having been received by the federal district court on January 26, 2024. It named Complainant as “plaintiff” and Quirch Foods, LLC as a defendant. More than sixty days have elapsed since the filing of Complainant’s federal district court complaint, and there has been no objection or other opposition filed in this forum. Further, there has been no remand order or dismissal order received from the federal district court.

2. Order. For the above reasons, this matter is **DISMISSED** with prejudice.

So ORDERED at Covington, Louisiana, on March 26, 2024.

JOHN M. HERKE
Administrative Law Judge

¹ 29 C.F.R. § 1978.114(b).