

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

Issue Date: 12 June 2024

OALJ No.: 2024-STA-00011
OSHA No.: 301015869

In the Matter of:

ROBERT HOLLEY,
Complainant,

v.

TWITOS TRUCKLINE LLC
Respondent.

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

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

At no time during these proceedings has Twitos Truckline appeared in this case. On May 6, 2024, I held an informal teleconference with Mr. Holley to advise him that public records show that Twitos Truckline was administratively dissolved by the South Dakota Secretary of State on January 16, 2024. I informed Mr. Holley that we could not proceed absent the participation of a viable respondent. I explained that I would be issuing an Order to Show Cause which would require Mr. Holley to let me know how he wished to proceed given that Twitos Truckline no longer exists as a legal entity.

On May 8, 2024, I issued the show cause order as to why Mr. Holley should be permitted to continue with his case against an entity that no longer exists. I noted that Twitos Truckline had been administratively dissolved. However, I explained to Mr. Holley that he could substitute another company for Twitos Truckline if he could explain how that company meets the successor liability test laid out in *EEOC v. MacMillan Bloedel Containers, Inc.*, 503 F.2d 1086, 1094 (6th Cir. 1974). I also explained that Mr. Holley could substitute an individual person for Twitos Truckline because an individual person may be considered to be an employer under the STAA. I informed Mr. Holley if he wanted to respond to my show cause order, I would need to receive his response no later than May 30, 2024.

Under 29 C.F.R. § 18.57(b)(v), an administrative law judge may dismiss a proceeding where a party fails to comply with the a judge's order. I warned Mr. Holley in the show cause order that his failure to respond could lead to dismissal of this case. To date, Mr. Holley has not

filed a response to the show cause order. Further, Mr. Holley has not identified a successor company or individual person who could potentially be held liable in lieu of Twitos Truckline.

For these reasons I find it necessary to **DISMISS** this matter. Recognizing that Twitos Truckline has never appeared in this case and has never responded to any order, I dismiss this case **WITHOUT PREJUDICE** to any right Mr. Holley may have to later raise an equitable tolling argument.

SO ORDERED.

JODEEN M. HOBBS
Administrative Law Judge