

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

Issue Date: 25 January 2024
In the Matter of:

SANDRA MCKEE,
Complainant,

v.

STOCK TRANSPORT, INC.,
Respondent.

Case No. 2024-STA-00006
OSHA No. 301016041

ORDER OF DISMISSAL

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. On or about May 8, 2023, Complainant filed a complaint with the Department of Labor’s Occupational Safety and Health Administration (“OSHA”) alleging Respondent terminated her employment on or about March 14, 2023 in retaliation for reporting falsification of driver DOT logs. OSHA dismissed the complaint by letter dated August 15, 2023. Complainant has appealed and the Office of Administrative Law Judges (“OALJ”) docketed the case on August 15, 2023. This case was subsequently assigned to the undersigned on December 7, 2023.

On January 24, 2024, Complainant filed a Complaint and Jury Demand in Southern District of Illinois and copied the Office of Administrative Law Judges, exercising her right to pursue her claim in federal district court.¹

¹ Under the enforcement provisions of the Act, if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint, and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to

Under 49 U.S.C. § 31105(c), the United States District Court has assumed jurisdiction of this matter.² Accordingly, it is hereby **ORDERED** that the complaint before the Office of Administrative Law Judges filed by Sandra McKee pursuant to the Surface Transportation Assistance Act is **DISMISSED**.

SO ORDERED.

HEATHER C. LESLIE
Administrative Law Judge
Washington, DC

such action, be tried by the court with a jury. 49 U.S.C. § 31105(c); 29 C.F.R. § 1978.114(a). In this matter, more than 210 days have passed since Complainant originally filed his complaint with OSHA and there is no indication of bad faith on the part of Complainant.

² See *Stone v. Duke Energy Corp*, 432 F.3d 320 (4th Cir. 2005) (Sarbanes-Oxley case).