

IN THE MATTER OF:

**ED BOETTCHER,
COMPLAINANT,**

v.

**WASHINGTON RIVER
PROTECTION SOLUTIONS,**

RESPONDENT.

**ARB CASE NOS. 18-041
18-042**

ALJ CASE NO. 2016-ERA-007

DATE: May 17, 2018

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Thad M. Guyer, Esq. and Stephani L. Ayers, Esq., *T.M. Guyer and Ayers & Friends*, Medford, Oregon

For the Respondent:

Jennifer R. Willner, Esq.; *Halvorson Losie Willner PLLC*; Bellingham, Washington

BEFORE: Joanne Royce, *Administrative Appeals Judge* and Leonard J. Howie III, *Administrative Appeals Judge*

ORDER DISMISSING COMPLAINT

On May 7, 2018, Complainant Ed Boettcher filed Complainant's Notice of Intent to Bring Action in U.S. District Court in this case arising under the employee protection provisions of the Energy Reorganization Act (ERA), as amended, and implementing regulations.¹ In this Notice, Boettcher stated that he was giving 15 days' notice of his intent to file a complaint in this matter with the appropriate United States District Court in Washington State on or after May 16, 2018.

¹ 42 U.S.C.A. § 5851 (Thomson Reuters 2012) (ERA); 29 C.F.R. Part 24 (2017).

If the Board has not issued a final decision within one year of the date on which the complainant filed an ERA complaint with the Department of Labor, and there is no showing that the complainant has acted in bad faith to delay the proceedings, the complainant may bring an action at law or equity for de novo review in the appropriate United States district court, which will have jurisdiction over the action without regard to the amount in controversy.²

Accordingly, as Boettcher intends to proceed de novo in district court, we **DISMISS** his ERA complaint filed with the Department of Labor.

SO ORDERED.

JOANNE ROYCE
Administrative Appeals Judge

LEONARD J. HOWIE III
Administrative Appeals Judge

² 42 U.S.C.A. § 5851(b)(4).