



In the Matter of:

GEOFFREY R. "GRUMPY" COATES,

ARB CASE NO. 05-043

COMPLAINANT,

ALJ CASE NO. 04-STA-60

v.

DATE: January 31, 2005

SOUTHEAST MILK, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Geoffrey R. "Grumpy" Coates, pro se, Citrus Springs, Florida

FINAL DECISION AND ORDER

On January 7, 2005, the Complainant, Geoffrey R. "Grumpy" Coates, filed a petition for interlocutory appeal requesting the Administrative Review Board to review a number of orders that a Department of Labor Administrative Law Judge (ALJ) has issued and actions he has taken in adjudicating this case arising under the whistleblower protection provisions of the Surface Transportation Assistance Act (STAA).¹

The Secretary and the Board have held many times that interlocutory appeals are generally disfavored, and that there is a strong policy against piecemeal appeals.²

¹ 49 U.S.C.A. § 31105 (West 1997). Coates also has maintained that this case arises under the Toxic Substances Control Act (TSCA), 15 U.S.C.A. § 2622 (West 1998). In Pre-hearing Order #10, the ALJ denied Coates's request for TSCA jurisdiction.

² See e.g., *United States Dep't of Labor, OFCCP, v. Bank of America*, ARB No. 04-169, ALJ No. 97-OFC-16 (ARB Dec. 17, 2004); *Hasan v. Commonwealth Edison Co.*, ARB

Accordingly, the Board ordered Coates to show cause why the Board should not dismiss his interlocutory appeal.

On January 12, 2005, the ALJ issued a Recommended Decision and Order Granting Respondent's Motion for Summary Decision (R. D. & O.). The STAA's implementing regulations require the ALJ to forward his decision and the record to the Board for automatic review and to issue a final decision.³ The regulations also provide the parties with an opportunity to file a brief in support of or in opposition to the ALJ's R. D. & O.⁴

Coates, in response to the Show Cause Order, has moved the Board to permit him to withdraw his interlocutory petition as moot. We **GRANT** Coates's motion. His petition for review in this case is withdrawn, and we **DISMISS** Coates's petition for interlocutory appeal.

SO ORDERED.

OLIVER M. TRANSUE
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

No. 99-097; ALJ No. 99-ERA-17 (ARB Sept. 16, 1999); *Carter v. B & W Nuclear Technologies, Inc.*, ALJ No. 94-ERA-13 (Sec'y Sept. 28, 1994).

³ 29 C.F.R. § 1978.109(a)(2004).

⁴ 29 C.F.R. § 1978.109(c)(2).