



**In the Matter of:**

**WILLIAM PIKE,**

**ARB CASE NO. 09-085**

**COMPLAINANT,**

**ALJ CASE NO. 2004-STA-051**

**v.**

**DATE: February 15, 2011**

**INTERSTATE BRANDS  
COMPANIES,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

***For the Complainant:***

**Williams Pike, *pro se*, Downey, California**

***For the Respondent:***

**James R. Holland, II, *Fisher & Phillips, LLP*, Kansas City, Missouri**

**Before: Paul M. Igasaki, *Chief Administrative Appeals Judge*, and Luis A. Corchado,  
*Administrative Appeals Judge***

**FINAL DECISION AND ORDER DISMISSING COMPLAINT**

William Pike complained that Interstate Brands Corporation violated the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), as amended, 49 U.S.C.A. § 31105 (West 1997), and its implementing regulations, 29 C.F.R. Part 1978 (2009), when it suspended him on February 4, 2004, and terminated his employment on February 11, 2004. Occupational Safety and Health Administration (OSHA) Findings at 2 (May 24, 2004). Following an investigation, OSHA determined that Pike did not provide prima facie evidence that his protected activity contributed to the decision to discharge him. *Id.* at 3.

Pike appealed OSHA's ruling and requested a hearing before a Department of Labor Administrative Law Judge (ALJ). Interstate informed the ALJ that it had petitioned for Chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Western District of Missouri. Initially the ALJ stayed the proceedings pursuant to the automatic stay provision of Section 362 of the Bankruptcy Code, 11 U.S.C.A. § 362 (West 2006). Subsequently, after reviewing an Order Confirming Amended Joint Plan of Reorganization of Interstate Bakeries Corporation and its Affiliated Debtors and Debtors in Possession Dated October 31, 2008, (Plan of Reorganization), the ALJ concluded that the bankruptcy court had issued a plan of reorganization that had discharged and released Interstate from claims pending against it, including those arising from Pike's STAA complaint. On April 17, 2009, the ALJ issued a Recommended Decision and Order of Dismissal (R. D. & O.).

The Secretary of Labor delegated to the Board the authority to issue final agency decisions under, inter alia, the STAA and the implementing regulations at 29 C.F.R. Part 1978. Secretary's Order No. 1-2010 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 75 Fed. Reg. 3924 (Jan. 15, 2010). This case is before the Administrative Review Board pursuant to the automatic review provisions found at 29 C.F.R. § 1978.109(a).

Before the Board, Interstate argues that Pike's claim was discharged through the bankruptcy process. Pike argues that the bankruptcy court did not have jurisdiction over his STAA complaint and could not dismiss it. Pike did not contest the accuracy of the Plan of Reorganization presented to the ALJ, nor did he provide legal support for his argument that the bankruptcy court did not discharge the Respondent from liability for his STAA complaint.<sup>1</sup> Accordingly, we **AFFIRM** the ALJ's R. D. & O. and **DISMISS** Pike's complaint.

**SO ORDERED.**

**PAUL M. IGASAKI**  
**Chief Administrative Appeals Judge**

**LUIS A. CORCHADO**  
**Administrative Appeals Judge**

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<sup>1</sup> In response to Pike's argument that the bankruptcy court had no subject matter jurisdiction over his claim and could not dismiss it, the ALJ noted that it did not appear that "the Bankruptcy Court dismissed the Complainant's STAA claim, rather it discharged the liability represented by the claim he made to the Secretary of Labor. The Complainant does not dispute that the claim expunged by the bankruptcy court is the same one pending here." R. D. & O. at 2. *Accord Belt v. Consol. Freightways Corp.*, ARB No. 06-069, ALJ No. 2002-STA-032 (ARB Jan. 31, 2008); *Kirkpatrick v. Action Steel Supply, Inc.*, ARB No. 06-070, ALJ No. 2001-STA-060 (ARB Oct. 31, 2006).