



In the Matter of:

BARRY STROHL,

COMPLAINANT,

v.

YRC, INC.,

RESPONDENT.

ARB CASE NO. 10-116

ALJ CASE NO. 2010-STA-035

DATE: May 7, 2012

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Paul O. Taylor, *Trucker's Justice Center*, Burnsville, Minnesota

For the Respondent:

Anderson B. Scott, *Fisher & Phillips, LLP*, Atlanta, Georgia

BEFORE: Paul M. Igasaki, *Chief Administrative Appeals Judge*; Luis A. Corchado, *Administrative Appeals Judge*; and Joanne Royce, *Administrative Appeals Judge*

ORDER DENYING RECONSIDERATION

On August 12, 2011, the Administrative Review Board (ARB or Board) remanded a complaint filed by Barry Strohl against YRC, Inc. The Board held that under the new STAA regulations, a warning letter can be an adverse action and that previous STAA case law did not

bind the ARB where those cases were issued before the August 2010 STAA regulations were promulgated.

On September 15, 2011, Respondent YRC, Inc., filed a motion for reconsideration on the ground that the ARB applied the August 2010 STAA regulations retroactively. The ARB denies the motion for reconsideration. In the August order of remand, the ARB applied the regulations in force at the time of the decision. Prior to the issuance of the August 2010 regulations, the issue of whether a warning letter could be an adverse action was in a state of flux depending on the facts of particular cases. Accordingly, the application of the STAA's regulations to Strohl's complaint did not create retroactive effects. *Johnson v. Siemens Building Tech., Inc.*, ARB No. 08-032, ALJ No. 2005-SOX-015 (ARB Mar. 31, 2011).

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

LUIS A. CORCHADO
Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge