



In the Matter of:

NATHAN W. CLARK,

ARB CASE NO. 13-023

COMPLAINANT,

ALJ CASE NO. 2011-STA-007

v.

DATE: July 24, 2014

HAMILTON HAULING, LLC,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Glen C. Shults, Esq.; Law Offices of Glen C. Shults, Asheville, North Carolina

For the Respondents:

Jonathan W. Yarbrough, Esq.; Constangy, Brooks & Smith, LLP; Asheville, North Carolina

BEFORE: Paul M. Igasaki, Chief Administrative Appeals Judge; E. Cooper Brown, Deputy Chief Administrative Appeals Judge; Joanne Royce, Administrative Appeals Judge; Luis A. Corchado, Administrative Appeals Judge, and Lisa Wilson Edwards, Administrative Appeals Judge.

ORDER DENYING REQUEST FOR *EN BANC* REVIEW

This case arises under the Surface Transportation Assistance Act (STAA) of 1982, as amended, 49 U.S.C.A. § 31105 (Thomson/Reuters Supp. 2014), and implementing regulations, 29 C.F.R. Part 1978 (2013). Nathan Clark, a truck driver, filed a complaint with the Occupational Safety and Health Administration on March 15, 2010, alleging that his employer, Hamilton Hauling, LLC, terminated his employment in violation of the STAA. On May 29, 2014, the Administrative Review Board (Board) entered a final decision and order affirming the decision by the Administrative Law Judge dismissing Clark's STAA complaint.

On July 2, 2014, Clark filed a request for *en banc* review.¹ Having thoroughly reviewed Clark's request, we fail to find a basis for review of this case by the full Board. Thus, the request for *en banc* review is **DENIED**.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge

LUIS A. CORCHADO
Administrative Appeals Judge

LISA WILSON EDWARDS
Administrative Appeals Judge

¹ By that same filing, Clark moved for panel reconsideration. The ARB's decision on Clark's motion for panel reconsideration is set out by separate Order. See *Clark v. Hamilton Hauling LLC*, ARB No. 13-023, ALJ No. 2011-STA-007 (ARB July 24, 2014) (Order Denying Motion for Panel Reconsideration).