



IN THE MATTER OF:

MONTE WARD,

ARB CASE NO. 13-036

COMPLAINANT,

ALJ CASE NO. 2012-STA-033

v.

DATE: June 12, 2013

McLEOD EXPRESS, LLC,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER OF DISMISSAL

On February 11, 2013, the Administrative Review Board issued a Notice of Appeal and Order Establishing Briefing Schedule in this case arising under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), amended.¹ On May 1, 2013, we issued an Order requesting the Complainant to clarify whether he wished the Board to continue with the adjudication of his case, or whether he wished to proceed de novo in federal district court as provided in 49 U.S.C.A. § 31105(d) and 29 C.F.R. § 1978.114. We notified Ward that if he chose to go to district court, the Board would issue an order dismissing his complaint after 15 days from the date on which he filed his response. Ward filed a response that the Board received on May 16, 2013, indicating that he chose to go to district court.

Accordingly, pursuant to 49 U.S.C.A. § 31105(d) and 29 C.F.R. § 1978.114, we **DISMISS** Ward's complaint.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

¹ 49 U.S.C.A. § 31105(a) (Thomson/West & Supp. 2012). Regulations implementing the STAA are found at 29 C.F.R. Part 1978 (2012).