



IN THE MATTER OF:

KEVIN LAMLEY,

ARB CASE NO. 15-078

COMPLAINANT,

ALJ CASE NO. 2013-STA-028

v.

DATE: September 2, 2015

**JYNX EXPRESS, LLC,
WILLIAM BRAINERD, and
ELIZABETH BRAINERD,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DISMISSING PETITION FOR REVIEW

On July 23, 2015, a Department of Labor Administrative Law Judge issued a Decision and Order Dismissing Complaint (D. & O.) in this case arising under the employee protection provisions of the Surface Transportation Assistance Act (STAA or Act) of 1982, 42 U.S.C.A. § 31105 (Thomson/West Supp. 2015). The ALJ found in Respondents' favor, determining that Complainant Kevin Lamley failed to establish that he engaged in protected activity under the STAA.¹

Lamley filed a timely petition for review of the ALJ's D. & O. with the Administrative Review Board.² On August 19, 2015, the ARB issued a Notice of Appeal and Order Establishing Briefing Schedule. On August 31, 2015, the ARB received Complainant's Withdrawal of Petition for Review.

¹ *Lamley v. Jynx Express, LLC*, ALJ No. 2013-STA-028, slip op. at 48-49 (July 23, 2015).

² *See Secretary's Order No. 2-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board)*, 77 Fed. Reg. 69,378 (Nov. 16, 2012); 29 C.F.R. § 1978.110.

Accordingly, Lamley's petition for review is **DISMISSED**, as requested, and the ALJ's July 23, 2015 D. & O. is the final decision of the Department of Labor in this matter.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel