

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 September 2004

Case No. 2004-STA-18

In the Matter of

WILLIAM J. BETTNER

Complainant

v.

CRETE CARRIER CORPORATION

Respondent

BEFORE: RUDOLF L. JANSEN
Administrative Law Judge

ORDER

This case is presently scheduled to be called for hearing on September 21, 2004 in Bloomington, Illinois. I have recently been notified that William J. Bettner has filed for voluntary bankruptcy. Thus, the automatic stay provisions of the bankruptcy Act may apply. 11 U.S.C. § 162(a)(1); Torres v. Transcon Freight Lines, Case No. 90-STA-90, Sec. Ord., January 30, 1991.

The complaint filed by William J. Bettner alleges that Respondent had discriminated against him in violation of § 31105 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105. Following an investigation, the Secretary determined there was not sufficient evidence to believe that Crete Carrier Corporation had violated any section of the Act and thus, the complaint was dismissed. It was from that finding that the Complainant appealed and requested a hearing in this matter.

In view of the above, IT IS ORDERED that the Assistant Secretary of Labor for Occupational Safety and Health will advise within fifteen days from the date of receipt of this

Order as to whether he has intervened in this proceeding or as to whether he has any intention of intervening in the prosecution of the complaint filed by William J. Bettner in this case.

A

Rudolf L. Jansen
Administrative Law Judge