



Issue Date: 26 January 2010

Case No.: 2009-AIR-00020

In the Matter of:

**TERRY WALLUM,
Complainant**

v.

**BELL HELICOPTER TEXTRON, INC.,
Respondent**

RECOMMENDED DECISION AND ORDER
DISMISSING COMPLAINANT'S COMPLAINT

This proceeding arises under the employee protection provisions of the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century ("AIR 21" or "the Act"), 49 U.S.C. § 42121, *et seq.*

On November 5, 2009, this Court issued an Order to Show Cause requiring Complainant to show why his case should not be dismissed because Respondent is not a covered entity under AIR 21. After receiving no response from Complainant the case was dismissed. On December 18, 2009, Complainant advised the Court that he never received the Order to Show Cause. The Recommended Decision and Order Dismissing Complainant's Complaint was vacated by the Court and a Second Order to Show Cause was issued on December 23, 2009. Complainant was given thirty days to respond to the Court's Second Order to Show Cause and five days to provide the Court with a telephone number where he could be reached during normal business hours. As of the date of this Order, Complainant has failed to respond to the Second Order to Show Cause and has not provided the Court with a working telephone number.¹

As discussed in the Second Order to Show Cause, the issue in the present case is identical to the issue in ALJ Case No. 2009-AIR-00006. For those same reasons, the Court hereby finds that Respondent is neither an air carrier nor a contractor or subcontractor of an air carrier within the meaning of AIR 21. Accordingly, Complainant's complaint must be dismissed.

¹ The Court unsuccessfully attempted to call Complainant regarding a response to the Second Order to Show Cause at the number previously provided.

RECOMMENDED ORDER

The complaint of Terry Wallum is hereby **DISMISSED**.

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**LARRY W. PRICE
ADMINISTRATIVE LAW JUDGE**

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of issuance of the administrative law judge’s decision. The Board’s address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1979.110(a). Your Petition must specifically identify the findings, conclusions or orders to which you object. You waive any objections you do not raise specifically. *See* 29 C.F.R. § 1979.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. You must also serve the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210. *See* 29 C.F.R. § 1979.110(a).

If no Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1979.110. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1979.109(c) and 1979.110(a) and (b).