



Issue Date: 16 January 2015

Case Number: 2014-FRS-00152

In the Matter of

NATHAN BLANTON
Complainant

v.

ITS TECHNOLOGIES & LOGISTICS, LLC.
Respondent

ORDER CANCELLING HEARING AND DISMISSING CLAIM

This proceeding arises under the employee protection provisions of the Federal Railroad Safety Act (“FRSA” or “the Act”), and its implementing regulations. Complainant filed a complaint with the Secretary of Labor on November 27, 2013, alleging Respondent retaliated against him for reporting a work place injury. On August 1, 2014, the Regional Administrator of the Occupational Safety and Health Administration (“OSHA”) found that, “even if Complainant were able to establish that his protected activity - reporting a work-related personal injury on or about October 7, 2012 – was a contributing factor in Respondent’s decision to terminate his employment on June 25, 2013, Respondent has shown by clear and convincing evidence, that it would have taken the same adverse action even in the absence of the protected activity” and dismissed the complaint. On August 28, 2014, Complainant filed objections to the findings and requested a hearing before an administrative law judge, which is currently scheduled for February 25-27, 2015 in Kansas City, Missouri.

On January 9, 2015, Complainant notified the Court of his intent to “pursue his whistle-blowing retaliation claim through the remedies available under Missouri state common law” and moves to withdraw his request for hearing. On January 16, 2015, a member of my staff contacted Employer’s counsel, who does not oppose the request. Accordingly, upon review of the entire record, and for good cause shown, said request is hereby GRANTED.

Order

It is hereby ORDERED that the formal hearing scheduled for February 25-27, 2015 in Kansas City, Missouri is CANCELLED;

IT IS FURTHER ORDERED that the complaint filed by Nathan Blanton on November 27, 2013 under the Federal Rail Safety Act, and currently pending before the Office of Administrative Law Judges, is DISMISSED, without costs awarded to either party.

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge