

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 30 September 2014 CASE NO.: 2014-FRS-00064

In the Matter of:

THOMAS GRAHAM,
Complainant,

vs.

BNSF RAILWAY COMPANY,
Respondent.

ORDER VACATING HEARING AND DISMISSING CASE WITHOUT PREJUDICE

This case, which was brought under the Federal Railroad Safety Act, 49 U.S.C. § 20109, is scheduled to go to hearing before me on February 24-27, 2015, in Topeka or Kansas City. On September 22, 2014, I received a notice from the Complainant of his intention to file an original action in the U.S. District Court. *See* 49 U.S.C. § 20109(d)(3). Because the Complainant has met the statutory and regulatory requirements to bring his action *de novo* in Federal District Court and has stated his intention to do so, this matter is **DISMISSED WITHOUT PREJUDICE** to the Complainant pursuing the matter in the District Court. *See* 29 C.F.R. § 1982.114(b).

It is hereby **ORDERED** that the hearing scheduled to begin February 24, 2015, be **VACATED**. The Complainant is **ORDERED** to file and serve a copy of the District Court complaint with my office and the other parties specified in 29 C.F.R. § 1982.114(b) as soon as possible after he files it with the District Court.

JENNIFER GEE
Administrative Law Judge