

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 November 2015

CASE NO.: 2014-FRS-147

IN THE MATTER OF

MICHAEL C. HOGLAN

Complainant

v.

BIRMINGHAM TERMINAL RAILWAY

Respondent

**DISMISSAL OF COMPLAINT-LOSS OF JURISDICTION
AND CANCELLING FORMAL HEARING**

On October 2, 2015, Counsel for the Complainant advised the undersigned of an intention to file an original action in a district court of the United States under the provision of 49 U.S.C. § 20109(d)(3) because the Secretary, U.S. Department of Labor, has not issued a final decision on the present complaint. On October 30, 2015, Complainant's Counsel advised that an action has been filed in federal district court, which under 49 U.S.C. § 20109(d)(3) now has jurisdiction.¹ Accordingly, the complaint before the Office of Administrative law Judges is **DISMISSED**.

In view of the foregoing, the formal hearing in this matter scheduled for December 1, 2015, is hereby **CANCELLED**.

¹ See also *Stone V. Duke Energy Corp.* 432 F.3d 320 (5th Cir. 2005) (Sarbanes-Oxley case); see also *Kelly v. Sonic Automotive, Inc.*, ARB No. 08-027 (Dec. 17, 2008) (Sarbanes-Oxley case).

ORDERED this 4th day of November, 2015, at Covington,
Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge