

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 December 2013

CASE NO: 2014-FRS-00004

In the Matter of:

SHAWN D. MURPHY,
Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Respondent.

ORDER DISMISSING COMPLAINT

This matter arises out of a complaint filed by Shawn D. Murphy (“Complainant”) against Norfolk Southern Railway Company (“Respondent”) under the Federal Rail Safety Act, 49 U.S.C. § 20109 (“FRSA”), as amended, and its implementing regulations at 29 C.F.R Part 1982.

On November 12, 2013, Complainant in the above-captioned matter notified all parties, pursuant to 29 C.F.R. § 1982.114(b), that he intended to file a complaint in United States District Court. By Order dated November 21, 2013, I directed Complainant to submit a file-stamped copy of his District Court complaint. On December 16, 2013, Complainant did so, by facsimile.

Accordingly, as the filing of a complaint in U.S. District Court deprives this tribunal of jurisdiction to conduct administrative proceedings, IT IS ORDERED that the complaint in the above-captioned matter be, and the same hereby is, DISMISSED.

SO ORDERED.

PAUL C. JOHNSON, JR.
Associate Chief Administrative Law Judge