



Issue Date: 30 June 2015

Case No.: 2015-FRS-00003

In the Matter of:

MATTHEW A. KING,
Complainant,

v.

INDIANA HARBOR BELT RAILROAD COMPANY,
Respondent.

ORDER DISMISSING COMPLAINT

This matter arises out of a complaint filed by Matthew King (“Complainant”) against Indiana Harbor Belt Railroad Company (“Respondent”) under Section 419 of the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109. The FRSA allows a Complainant to file an action in United States District Court if the Department of Labor has not issued a final decision within 210 days of the filing of the complaint, and there is no showing that there has been delay due to the bad faith of the complainant.¹

Complainant filed a complaint with the Occupational Safety and Health Administration (“OSHA”) on April 30, 2014. OSHA issued its findings on October 1, 2014; Complainant submitted their objections to the Secretary’s Findings on October 14, 2014, and requested a hearing before an administrative law judge.

By letter dated May 15, 2015, Complainant notified all parties under 49 U.S.C. § 20109(d)(3) and 29 CFR § 1982.114(b) that they intended to file a complaint in United States District Court. This office requested that Complainant submit a signed copy of the District Court complaint. Complainant submitted a signed, proof complaint, filed on June 29, 2015². The Department of Labor has not issued a final decision within 210 days of the filing of the complaints filed on April 30, 2014. There are no allegations or evidence of record which indicate to me that there has been any delay due to the bad faith of the complainants.

¹ 49 U.S.C. § 20109(d)(3).

² *Matthew King v. Indiana Harbor Belt Railroad*, Case No.: 2:15-cv-00245 (N.D. IN, filed June 26, 2015).

Accordingly, **IT IS HEREBY ORDERED** that the complaint in the above-captioned matter be, and the same hereby are, **DISMISSED**.

JOSEPH E. KANE
Administrative Law Judge