

**U.S. Department of Labor**

Office of Administrative Law Judges  
William S. Moorhead Federal Office Building  
1000 Liberty Avenue, Suite 1800  
Pittsburgh, PA 15222

(412) 644-5754  
(412) 644-5005 (FAX)



**Issue Date: 20 June 2017**

CASE NO.: 2016-FRS-00083

In the Matter of:

JONATHAN HALL,  
Complainant

v.

SOO LINE RAILROAD COMPANY,  
Respondent

**ORDER OF DISMISSAL**

This case arises under the employee protection provisions of the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“9/11 Act”), Pub. L. No. 110-53 (Aug. 3, 2007) and the implementing regulations at 29 C.F.R. Part 1982. On November 5, 2015, complainant, Jonathan Hall (“Hall” or “Complainant”) filed a complaint with the Secretary of Labor alleging that his employer, Soo Line Railroad Company, d/b/a Canadian Pacific Railroad (“Employer” or “CP”) violated the employee protection provisions of the FRSA. On June 19, 2017, Hall provided notice that he filed a complaint in this matter in federal court, in accordance with 49 U.S.C. § 20109(d) (3) and 29 C.F.R. § 1982.114. Hall included a copy of his “Complaint and Demand For Jury Trial” filed in the United States District Court, District of Minnesota, on the same day. For the reasons that follow, this matter is dismissed with prejudice.

Jonathan Hall filed his complaint of retaliation with the Occupational Safety and Health Administration (“OSHA”) on November 5, 2015. After completing its investigation, on August 8, 2016, OSHA found no reasonable cause to believe that a violation of FRSA occurred and dismissed the complaint. On September 8, 2016, Hall, through counsel, filed its objections to OSHA’s findings and timely requested a hearing before a Department of Labor Administrative Law Judge (“ALJ”). The matter was subsequently assigned to me. A hearing in this case is currently scheduled to begin in Minneapolis, Minnesota on June 26, 2016, before the undersigned ALJ.

Included as Exhibit A with his notice of filing on June 19, 2017, Hall provided a copy of the “Complaint and Demand For Jury Trial” filed in the United States District Court, District of Minnesota, in accordance with 49 U.S.C. § 20109(d)(3) and 29 C.F.R. § 1982.114. Generally, 49 U.S.C. §20109(d) (3) and 29 C.F.R. § 1982.114 permit a complainant to bring an action at law or in equity for *de novo review* in the appropriate district court for the United States with

jurisdiction, if there is no final order of the Secretary, 210 days have passed since the filing of the complaint and there has been no delay due to the bad faith of the complainant.

The requirements of 49 U.S.C. §20109(d) (3) and 29 C.F.R. § 1982.114 have been satisfied. Specifically, a hearing has not yet taken place and thus there has been no final order of the Secretary; more than 210 days have passed since the complaint was filed on November 5, 2015; and there is no evidence of delay due to bad faith of Complainant.

As Hall filed his complaint in federal district court and for the reasons stated above, his complaint in the above captioned matter is **DISMISSED WITH PREJUDICE**.

### **ORDER**

#### **IT IS ORDERED:**

1. That the hearing scheduled to begin on June 26, 2017, in Minneapolis, Minnesota in this matter is **CANCELLED**;
2. Any pending motions and all hearing deadlines are moot; and
3. That the complaint, filed under the FRSA in this matter, is **DISMISSED WITH PREJUDICE** since the action has been filed in federal district court.

**NATALIE A. APPETTA**  
Administrative Law Judge