

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 30 March 2017

CASE NO.: 2017-FRS-00037

In the Matter of:

JAMES PROVO,
Complainant,

v.

METRO NORTH COMMUTER RAILROAD CO., INC.,
Respondent.

ORDER DISMISSING COMPLAINT

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“the FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the “9/11 Act”), Pub. L. 110-53, 121 Stat 266 (Aug. 3, 2007).

On February 17, 2017, Complainant filed an objection to the findings of the Occupational Safety and Health Administration and requested a hearing before the Office of Administrative Law Judges (OALJ). This matter assigned to the Boston District Office on March 17, 2017. Thereafter, a preliminary conference call with the parties was scheduled for March 29, 2017 to discuss general processes and procedures, and to discuss the hearing schedule.

On March 23, 2017, Complainant’s counsel advised that suit had been filed in the U. S. District Court pursuant to 49 § 20109(d)(3) and on March 28, 2017, filed a motion to withdraw the request for a hearing before the OALJ.

Accordingly, the complaint before the Office of Administrative Law Judges is **DISMISSED.**

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts