

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

Issue Date: 23 July 2018

CASE NO.: 2017-FRS-00045

In the Matter of:

ANTHONY SANTIAGO,
Complainant,

v.

METRO-NORTH COMMUTER RAILROAD,
Respondent.

ORDER OF DISMISSAL

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 April 26, 2017, during a preliminary conference call, the parties informed me they were awaiting a decision from the U.S. Court of Appeals for the 2nd Circuit in a previous case brought by Complainant. Believing the 2nd Circuit’s decision would impact the instant matter, the parties asked to hold this case in abeyance pending the Court’s decision. I agreed to do so.

On March 23, 2018, the 2nd Circuit issued its decision on the previous case and remanded it back to the Administrative Review Board (“ARB”), for further action. On June 18, 2018, the ARB, consistent with the 2nd Circuit’s opinion, vacated its Final Decision and Order of June 12, 2015, and dismissed Mr. Santiago’s earlier complaint.

In light of the 2nd Circuit’s decision and the ARB’s subsequent dismissal of Mr. Santiago’s complaint against Metro North Railroad, the parties agree the pending matter before me should be dismissed.

Finding good cause, the following Order shall enter:

1. The complaint of Anthony Santiago, in case number 2017-FRS-00045, is hereby **DISMISSED.**

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts