U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 20 December 2018

Case No.: **2018-FRS-47**

In the Matter of:

MOUSSA SAYED,
Complainant,

v.

CSX TRANSPORTATION INC.,
Respondent.

ORDER LIFTING STAY AND DISMISSING CASE

This matter arises under the whistleblower protection provisions of the Federal Railroad Safety Act ("FRSA"), 49 U.S.C. § 20109.

I was previously advised by Claimant's counsel that Claimant wishes to litigate this claim in a United States District Court. See 49 U.S.C. § 20109(d)(3). With the consent of all parties, I issued an Order staying further proceedings. The matter has now been pending before the United States Department of Labor for more than 210 days without a final decision being made. I find that the delay in the issuance of a decision by the Department of Labor has not been due to the bad faith of Claimant. Claimant has notified me that he is now proceeding with his claim in the District Court.

I hereby **LIFT** the stay previously entered. The within matter pending before the Office of Administrative Law Judges of the United States Department of Labor is hereby **DISMISSED**.

Steven D. Bell
Administrative Law Judge