

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

Issue Date: 01 October 2019

ALJ NO.: 2019-FRS-00060

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*In the Matter of:*

**RHONDA BOYCE,**  
*Complainant,*

v.

**NATIONAL PASSENGER RAILROAD CORP.,**  
**d/b/a AMTRAK,**  
*Respondent.*

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**ORDER DISMISSING CASE WITH PREJUDICE & CANCELLING TRIAL**

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). Trial is scheduled to commence on October 29, 2019, in New York, New York. On August 23, 2019, Claimant filed a file-stamped copy of her complaint pending in United States District Court.

Removal under SOX is governed by 18 U.S.C. §1514A(b)(1)(B) and 29 C.F.R. § 1980.114. “Section 1514A(b)(1)(B) confers jurisdiction on a district court when a qualifying complainant files his complaint there.” *Stone v. Duke Energy Corp.*, 432 F.3d 320, 322-23 (5th Cir. 2005). Jurisdiction now lies with the U.S. District Court and accordingly, it is ORDERED that:

- (1) The Complaint of Rhonda Boyce against National Passenger Railroad Corp., d/b/a AMTRAK is DISMISSED WITH PREJUDICE from refiling before the Office of Administrative Law Judges; and
- (2) The trial scheduled for October 29, 2019 in New York is CANCELLED.

**SO ORDERED.**

**JONATHAN C. CALIANOS**  
Acting District Chief Administrative Law Judge

Boston, Massachusetts