

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

**Issue Date: 14 August 2019**

CASE NO.: 2019-FRS-00040

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*In the Matter of:*

ERNEST BREAUTL,  
*Complainant,*

v.

CSX RAILROAD, INC.,  
*Respondent*

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**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).

The above matter is currently scheduled for hearing beginning on September 17, 2019 in Albany, New York. However, on August 12, 2019, Complainant’s counsel advised that suit had been filed in the U. S. District Court pursuant to 49 § 20109(d)(3), and provided a copy of said complaint filed in the Northern District of New York.

Since I no longer have jurisdiction over this matter, the complaint before the Office of Administrative Law Judges is **DISMISSED**.

**SO ORDERED.**

**TIMOTHY J. McGRATH**  
Administrative Law Judge

Boston, Massachusetts