

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 23 January 2020

CASE NO.: 2019-FRS-00008

In the Matter of:

NICKIE JACKSON,
Complainant,

v.

UNION PACIFIC RAILROAD CO.,
Respondent.

ORDER OF DISMISSAL WITHOUT PREJUDICE

This Federal Railroad Safety Act matter is currently set for hearing on Friday, March 6, 2020, at 9:00 a.m. at the Long Beach Federal Building, Department of Labor Courtroom, 501 W. Ocean Blvd, Suite 5150, Long Beach, CA 90802.

On January 16, 2020, Complainant notified this Office that she intends to file this action in the appropriate United States District Court. *See* 49 U.S.C. § 20109(d)(3). As Complainant has met the statutory and regulatory requirements to bring her action *de novo* in the district court and has stated her intent to do so, *see id.*, this matter is DISMISSED without prejudice to Complainant's pursuing the matter in district court. *See id.*; 29 C.F.R. § 1982.114. The Complainant shall file and serve a copy of the district court complaint with this Office and the others required by regulation as soon as possible after she files it with the district court. *See* 29 C.F.R. § 1982.114(b).

By motion received January 8, 2020, Complainant told me of the administrative closure of her second OSHA complaint investigation, by letter dated December 13, 2019, and requested consolidation of her second request for hearing with this case. That motion is denied as moot.

The hearing set for March 6, 2020, and the prehearing conference call set for February 6, 2020, are vacated.

SO ORDERED.

EVAN H. NORDBY
Administrative Law Judge