

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 December 2019

Case No.: 2019-FRS-00087

In the Matter of:

SCOTT E. PATTERSON,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

Respondent.

ORDER DISMISSING COMPLAINT

This case arises under the employee protection provisions of the Federal Railroad Safety Act, U.S. Code, Title 49, §20109, as amended (“FRSA”), and its implementing regulations at 29 CFR, Part 1982. Per 29 CFR §1982.107, the proceeding will be held in a manner consistent with the procedural rules and evidentiary rules set forth in federal regulations at 29 CFR Part 18.

By letter received on November 13, 2019, Respondent wrote advising that “Mr. Patterson has exercised his rights under the “kick out” provisions of the FRSA to file this action in federal court. I am sending a copy of the lawsuit that has been filed on Mr. Patterson’s behalf. As I understand it, this is the only information you need to end his appeal to the Administrative Law Judge.” Respondent provided the Complaint filed on November 4, 2019 by Mr. Patterson’s counsel, with the United States District Court, Northern District of Alabama, Southern Division.

Inasmuch as Complainant is removing this complaint to U. S. Federal Court, there are no remaining issues requiring resolution before the U. S. Department of Labor, Office of Administrative Law Judges. Accordingly, after review of this administrative file, this matter is dismissed.

ORDER

It is hereby **ORDERED** that the complaint filed under the provisions of FRSA is **DISMISSED**.

SO ORDERED.

Dana Rosen
Administrative Law Judge

DR/mjw
Newport News, Virginia