

**U.S. Department of Labor**

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**Issue Date: 04 March 2016**

CASE NO. 2016-NTS-2

In the Matter of:

JULIANN MAIER,  
Complainant

v.

PORT AUTHORITY OF ALLEGHENY COUNTY,  
Respondent

**ORDER OF DISMISSAL**

This case arises under the employee protection provisions of the National Transit Systems Security Act of 2007, 6 U.S.C. § 1142, (“NTSSA” or the “Act”) and the implementing Regulations at 29 C.F.R. Part 1982. On February 19, 2015, complainant, Juliann Maier (“Maier” or “Complainant”) filed a complaint with the Secretary of Labor alleging that her employer, Port Authority of Allegheny County (PAT), violated the employee protection provision of the NTSSA. On February 19, 2016, Maier provided notice of her intent to file a complaint in this matter in federal court, in accordance with 29 C.F.R. § 1982.114(a) and (b) and 6 U.S.C. §1142(c)(7). For the reasons that follow, this matter is dismissed with prejudice.

After investigation of Maier’s complaint, on October 30, 2015, the Occupational Safety and Health Administration (OSHA) found that PAT did not violate the NTSSA and dismissed the complaint. On November 20, 2015, Maier objected to OSHA’s findings and requested a hearing before a Department of Labor Administrative Law Judge. The matter was subsequently assigned to the undersigned administrative law judge.

After serving her notice of intent to file a complaint against PAT, on March 1, 2016, Maier provided a copy of her Complaint filed in the United States District Court for the Western District of Pennsylvania, pursuant to 29 C.F.R. § 1982.114(b). *See also* 6 U.S.C. §1142(c). Generally, 29 C.F.R. § 1982.114 permits a complainant to bring an action at law or in equity for *de novo review* in the appropriate district court for the United States with jurisdiction, if there is no final order of the Secretary, 210 days have passed since the filing of the complaint and there has been no delay due to the bad faith of the complainant.

The requirements of 29 C.F.R. § 1982.114 have been satisfied. Specifically, a hearing has not yet taken place and thus there has been no final order of the Secretary; more than 210

days have passed since the complaint was filed on February 19, 2015; and there is no evidence of delay due to bad faith of Complainant.

As Maier has filed her complaint in federal district court and for the reasons stated above, her complaint in the above captioned matter is **DISMISSED WITH PREJUDICE**.

**ORDER**

**IT IS ORDERED** that the complaint filed by complainant, Juliann Maier, is **DISMISSED WITH PREJUDICE** to its reinstatement since the action has been filed in federal district court. The hearing scheduled for May 17-20, 2016, in Pittsburgh, Pennsylvania is **cancelled**.

**NATALIE A. APPETTA**  
Administrative Law Judge