

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 June 2020

CASE NO.: 2019-SPA-1

OSHA NO: 7-7080-18-099

In The Matter Of:

KAARE WEST,
Complainant,

v.

AM. RIVER TRANSP. CO. and
ARCHER DANIELS MIDLAND, CO.
Respondents.

ORDER OF DIMISSAL

This matter arises under the Seaman's Protection Act (SPA),¹ as amended by Section 611 of the Coast Guard Authorization Act of 2010.² On 25 Jul 18, Complainant filed a complaint with the Occupational Safety and Health Association (OSHA). OSHA dismissed the case on 6 Aug 19, pursuant to Complainant's request under the Expedited Case Processing Program. The case was assigned to me on 16 Sep 19 and on that day I held a conference call with the parties. Complainant's Counsel explained that since the case had been pending before the Department of Labor for over a year, if the parties were unable to reach a settlement, he would remove the case to federal court.³ Both counsel agreed that setting a hearing date at this time would serve no useful purpose. I ordered the parties provide status updates.

¹ 46 U.S.C. § 2114 et seq.

² P.L. 111-281, Oct. 15, 2010.

³ 49 U.S.C. 31105(c).

On 9 Jun 20, Claimant's Counsel sent by email a copy of a complaint he had filed in Federal District Court in early March 2020 that included his pending cause of action in this case. Based on the previous conversation and the most recent submission, Complainant's Motion to Withdraw his request for a de novo hearing in lieu of his action in Federal District Court is granted. The administrative complaint is dismissed.

ORDERED this 11th day of June, 2019, at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge