



Issue Date: 15 August 2012

Case No.: **2012-STA-00008**

In the Matter of:

THOMAS CASSADY,
Complainant

v.

ROADLINK,

and

UNION PACIFIC RAILROAD,
Respondents

**ORDER DISMISSING CLAIM BECAUSE THE COMPLAINANT
HAS FILED A COMPLAINT IN THE U.S. DISTRICT COURT**

This proceeding arises from a claim of whistleblower protection under the Surface Transportation Assistance Act (STAA), as amended.¹ The STAA allows the Complainant to file an action in federal district court if the Department of Labor has not issued a final decision within 210 days of the filing of the complaint, and there is no showing that there has been delay due to the bad faith of the complainant.² More than 210 days have passed since the complaint was filed, and on July 24, 2012, the Complainant filed notice of his intent to file an action in the United States District Court for the Southern District of Illinois within 15 days. On July 27, I issued an order to show cause why the claim should not be dismissed. On August 10, 2012, the Claimant filed a copy of his Complaint filed in court on August 7, 2012. More than 15 days have passed since I issued the order to show cause, and neither party has objected to my dismissing the claim before the Department of Labor. I find that the claim should be, and hereby is, DISMISSED.

SO ORDERED.

A

Alice M. Craft
Administrative Law Judge

¹ 49 U.S.C. § 31105.

² 49 U.S.C. § 31105(c).