

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 August 2017

CASE NO.: 2016-FRS-90

In the Matter of:

WILLIAM SHUBA, JR.,
Complainant

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Respondent

ORDER OF DISMISSAL AND CANCELLATION OF HEARING

The above-captioned claim is scheduled for hearing on September 7, 2017 in Pittsburgh, Pennsylvania. By letter dated August 7, 2017, Respondent's counsel advises that he has been informed by counsel for Complainant that Complainant intends to file this matter in United States District Court as over 210 days have elapsed without a final decision of the Secretary of Labor. In light of the information, Respondent is requesting that the hearing and associated dates and deadlines be stayed pending the kick-out, so as to save time and resources.

WHEREFORE, Respondent's requests are GRANTED.

IT IS ORDERED:

1. That the hearing scheduled to begin on September 7, 2017, in Pittsburgh, Pennsylvania in this matter is **CANCELLED**;
2. Any pending motions and all hearing deadlines are moot; and
3. That the complaint, filed under the FRSA in this matter, is **DISMISSED WITH PREJUDICE** since the action has been filed in federal district court.

DREW A. SWANK
Administrative Law Judge