



IN THE MATTER OF:

JUAN LLOYD,

ARB CASE NO. 2019-0006

COMPLAINANT,

ALJ CASE NO. 2018-STA-00061

v.

DATE: August 5, 2019

THOMAS PETROLEUM,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DISMISSING COMPLAINT

On June 24, 2015, Juan Lloyd filed a complaint with the Department of Labor's Occupational Safety and Health Administration (OSHA) alleging that Respondent Thomas Petroleum violated the employee protection provisions of the Surface Transportation Assistance Act (STAA)¹ and its implementing regulations.² After investigating Lloyd's complaint, OSHA found there was no reasonable cause to believe that Thomas Petroleum violated the STAA. Lloyd objected to OSHA's findings and requested a hearing before a Department of Labor Administrative Law Judge (ALJ). On October 26, 2018, the ALJ issued an Order Granting Summary Decision and Cancelling Hearing Scheduled for October 30, 2018.³

On November 8, 2018, Lloyd filed a timely petition for review with the

¹ 49 U.S.C. § 31105

² 29 C.F.R. Part 1978

³ Lloyd v. Thomas Petroleum, ALJ No. 2018-STA-0061 (ALJ) (October 26, 2018).

Administrative Review Board. On July 31, 2019, Lloyd filed a Notice with the Board stating his intention to file an action pursuant to 49 U.S.C. § 31105(c), with the appropriate United States District Court in compliance with 29 C.F.R. § 1978.114(a), seeking de novo review. The STAA permits a complainant to file an action in the appropriate district court if the Secretary of Labor has not issued a final decision within 210 days after the filing of a complaint and if there is no showing that the complainant acted in bad faith in delay of the proceedings. Both conditions are met in this case. Accordingly, given that Lloyd has filed a de novo complaint in this action in the U.S. District Court as provided in 49 U.S.C. § 31105 (c) and 29 C.F.R. §1978.114(a), we hereby **DISMISS** Lloyd's complaint.

SO ORDERED FOR THE BOARD.

WILLIAM T. BARTO
Chief Administrative Appeals Judge