



In the Matter of:

**WILLIAM PIKE,**

**ARB CASE NO. 99-072**

**COMPLAINANT,**

**ALJ CASE NO. 1998-STA-0035**

**v.**

**DATE: August 10, 1999**

**PUBLIC STORAGE COMPANIES, INC.,**

**RESPONDENT.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**Appearances:**

*For the Respondent:*

Bradley D. Ross, Esq., *Kendig & Ross,*  
*Los Angeles, California*

**FINAL DECISION AND ORDER**

Complainant William Pike filed a complaint under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), as amended, 49 U.S.C. §31105 (1994). He alleged that his employer, Respondent Public Storage Companies, Inc. (Public Storage) violated the STAA's employee protection provision when it discharged him from his employment as a truck driver.

After a hearing, the Administrative Law Judge (ALJ) issued a Recommended Decision and Order in which the ALJ found that Pike had not met his burden of establishing that Public Storage discharged him because he made safety complaints that are protected under the STAA.

The case is now before the Administrative Review Board for final decision. The record has been reviewed and we find that the ALJ's factual findings are supported by substantial evidence on the record as a whole, and therefore are conclusive. 29 C.F.R. §1978.109(c)(3) (1998). We accept the ALJ's credibility determinations, as well. The record fully supports the ALJ's thorough, well reasoned decision, and with one minor exception discussed below, we adopt the ALJ's decision in all respects.

The ALJ analyzed whether Pike established a *prima facie* case of discrimination under the STAA. RD&O at 8-10. In a case fully tried on the merits, such as this, it is not particularly useful to analyze whether the complainant established a *prima facie* case. *Frechin v. Yellow Freight Systems, Inc.*, ARB Case No. 97-147, ALJ Case No. 96-STA-34, Final Dec. and Ord., Jan. 13, 1998, slip op. at 1. Rather, the relevant inquiry is whether Pike established, by a preponderance of the evidence, that the reason for his discharge was his protected safety complaints. As we noted above, we agree with the ALJ's finding that Pike did not meet his burden of proof in this regard. *See* RD&O at 13.

Accordingly, we adopt the attached recommended decision.

**SO ORDERED.**

**PAUL GREENBERG**  
Chair

**E. COOPER BROWN**  
Member

**CYNTHIA L. ATTWOOD**  
Member