

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 14 November 2005**

Case No.: 2005-STA-00058

In the Matter of

**GLENN RIPPLEY**

Complainant

and

**(NES) NATIONAL EQUIPMENT SERVICES, INC.**

Respondent

**RECOMMENDED DECISION AND ORDER**  
**DISMISSING THE CASE**

This case arises under § 405 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 2305, which provides for employee protection from discrimination because the employee engaged in protected activity pertaining to commercial motor vehicle safety and health matters. The implementing regulations are contained in 29 C.F.R. Part 1978.

The hearing in this matter was scheduled to be held before me on October 12, 2005 in St. Louis, Missouri. However, neither Complainant nor a representative of Complainant appeared at the hearing. Consequently, on October 14, 2005 I issued an Order to Show Cause ("Order") requiring Complainant to show cause why his complaint should not be dismissed. The Order directed Complainant to file a written statement explaining why there is not good cause for dismissing his complaint and his request for a hearing due to his abandonment of this matter. Finally, the Order explained that if Complainant failed to file this statement by October 31, 2005, the complaint and the request for a hearing shall be dismissed. Complainant, to date, has failed to file the required statement. Therefore, I find that Complainant's complaint and his request for a hearing should be dismissed due to abandonment.

ORDER

The complaint and the request for a hearing filed by Complainant Glenn Rippley are dismissed.

A

Robert D. Kaplan  
Administrative Law Judge

Cherry Hill, New Jersey

**NOTICE OF REVIEW:** The administrative law judge's Recommended Decision and Order, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Decision and Order, the parties may file briefs with the Board in support of, or in opposition to, the administrative law judge's decision unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.