

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 June 2005

CASE NUMBERS: 2003-STA-003
2003-STA-004

In the Matter of:

KRISTEN LANGSTON,
Complainant,
v.

POWELL-CHRISTIANSEN, INC., dba GENERAL TRANSPORT,
Respondent.

RECOMMENDED ORDER DISMISSING COMPLAINT WITH PREJUDICE

The above-captioned matter arises under the whistleblower provisions of the Surface Transportation Assistance Act (STAA). On December 12, 2002, the Complainant filed a motion asking that further proceedings be stayed until completion of a related civil proceeding that was then pending in the Superior Court of Pierce County, Washington. Thereafter, the Respondent filed a reply indicating that it had no objection. Accordingly, on January 2, 2003 an order was issued staying all further proceedings in this matter until the completion of the civil action in the Superior Court of Pierce County.

In April of 2005, the undersigned Administrative Law Judge was informed that in June of 2003 the parties settled their dispute in the state court proceeding and that as part of the settlement the Complainant released the Respondent from all claims of any kind stemming from his employment by the Respondent. Accordingly, in an Order to Show Cause issued on May 9, 2005, all parties to this matter were ordered to show cause by June 10, 2005 why the Complainant's STAA complaint should not be dismissed with prejudice on the grounds that it has been abandoned by the Complainant. Neither the Complainant nor the Respondent has submitted a response to that Order. Accordingly, the Complainant's STAA complaint is hereby dismissed with prejudice.

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Paul A. Mapes
Administrative Law Judge

NOTICE: This Recommended Decision and Order and the administrative file in this matter will be forwarded for review by the Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue,