



**IN THE MATTER OF:**

**MATT LAMM,**

**ARB CASE NO. 2024-0008**

**COMPLAINANT,**

**ALJ CASE NO. 2021-FRS-00014  
CHIEF ALJ STEPHEN R. HENLEY**

**v.**

**DATE: FEBRUARY 20, 2024**

**INDIANA HARBOR BELT  
RAILROAD CO.,**

**RESPONDENT.**

**Before HARTHILL, Chief Administrative Appeals Judge, and THOMPSON,  
Administrative Appeals Judge**

**ORDER OF DISMISSAL**

**PER CURIAM:**

This case arises under the employee protection provisions of the Federal Railroad Safety Act of 1982 (FRSA).<sup>1</sup> On December 20, 2023, Complainant Matt Lamm filed a Petition for Review with the Administrative Review Board (Board), requesting review of the Decision and Order Denying Complaint issued by Chief Administrative Law Judge Stephen R. Henley on December 8, 2023.

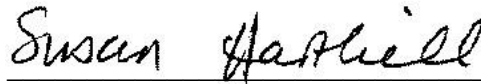
On February 9, 2024, Complainant filed a letter with the Board indicating that he had filed an original action with the United States District Court for the Northern District of Indiana pursuant to 49 U.S.C. § 20109(d)(3). Complainant also filed a file-stamped copy of his district court complaint, dated January 31, 2024, with his letter to the Board.

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<sup>1</sup> 49 U.S.C. § 20109, as implemented by 29 C.F.R. Part 1982 (2023).

Since Complainant has filed an original action in district court, the Department of Labor no longer has jurisdiction over his case.<sup>2</sup> Accordingly, we **DISMISS** this appeal.

**SO ORDERED.**



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SUSAN HARTHILL

Chief Administrative Appeals Judge



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ANGELA W. THOMPSON

Administrative Appeals Judge

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<sup>2</sup> See 49 U.S.C. § 20109(d)(3) (“[I]f the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action . . . .”); see also 29 C.F.R. § 1982.114(a).