

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

MAC MCQUAY,

ARB CASE NO. 2025-0053

COMPLAINANT,

ALJ CASE NO. 2024-PSI-00003

ALJ STEWART F. ALFORD

v.

DATE: December 19, 2025

LONE TREE SERVICES, INC.,

RESPONDENT.

Appearances:

For the Complainant:

Mac McQuay; *Pro Se*; Padroni, Colorado

For the Respondent:

**Christian J. Schulte, Esq.; *Peters Schulte Odil PLLC*; Loveland,
Colorado**

Before BURRELL and KIKO, Administrative Appeals Judges

ORDER OF DISMISSAL

This case arises under the employee protection provisions of the Pipeline Safety and Improvement Act and its implementing regulations.¹ On April 19, 2025, Complainant Mac McQuay filed a Petition for Review with the Administrative Review Board (Board), appealing a United States Department of Labor Administrative Law Judge's Order Granting Motion for Summary Decision.

On December 18, 2025, Complainant filed a Motion for Administrative Closed Due to Jurisdictional Shift from the Department of Labor Administrative Review Board to the United States District Court for the District of Colorado.

¹ 49 U.S.C. § 60129; 29 C.F.R. Part 1981 (2025).

Complainant stated that he had filed an original action for de novo review of his PSIA claim in the United States District Court for the District of Colorado on December 5, 2025.

The PSIA provides that if the Secretary of Labor has not issued a final decision within 210 days of the filing of a complaint, and if the delay is not due to the bad faith of the complainant, the complainant may bring an original action at law or equity for de novo review in the appropriate district court of the United States.² Since more than 210 days have elapsed since Complainant filed his Complaint, and since Complainant has chosen to proceed in district court, the Department of Labor no longer has jurisdiction over this case. Accordingly, we **DISMISS** this appeal.

SO ORDERED.

THOMAS H. BURRELL
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge

² 49 U.S.C. § 60129(b)(3)(D)(i).