



In the Matter of:

ADRIANO BUDRI,

ARB CASE NO. 2018-0055

COMPLAINANT,

ALJ CASE NO. 2018-STA-00033

v.

DATE: August 19, 2019

FIRSTFLEET, INC.,

RESPONDENT.

Appearances:

For the Complainant:

Adriano K. Budri; *pro se*; Burleson, Texas

For the Respondent:

C. Eric Stevens, Esq.; *Littler Mendelson, PC*; Nashville, Tennessee; and
Greg McAllister, Esq.; *Littler Mendelson, PC*; Dallas, Texas

Before: William T. Barto, *Chief Administrative Appeals Judge*; James A. Haynes and Daniel T. Gresh, *Administrative Appeals Judges*

ORDER DENYING RELIEF

PER CURIAM: On July 30, 2019, we vacated our Final Decision and Order in this matter and dismissed the complaint. The basis for our action was that we lacked jurisdiction to issue the Final Decision and Order on March 25, 2019, in light of Complainant Budri's action for de novo review filed in a United States district

court on February 19, 2019.¹ On August 5, 2019, Respondent filed a motion requesting that we reconsider our action, contending in sum that the district court lacked jurisdiction over this matter until Complainant had filed with the court his Final Amended Complaint on June 8, 2019. As that date was subsequent to our Final Decision and Order, Respondent argues that our order should remain in effect. Complainant disagrees and points to the date of his original filing in district court, more than 30 days before our Decision and Order.

After reviewing the matters submitted by the parties, we renew our official notice that Complainant Budri filed his original complaint on February 19, 2019, in the United States District Court for the Northern District of Texas (Dallas), *Budri v. FirstFleet, Inc.*, Case No. 3:19-cv-00409-N-BH, and the district court has not dismissed that case. As that filing date was in advance of our putative Final Decision and Order in this matter, we decline to reconsider our action vacating that Decision and Order and dismissing the instant complaint.

SO ORDERED.

Note: Questions regarding any case pending before the Board should be directed to the Board's staff. Telephone: (202) 693-6200, Facsimile: (202) 693-6220

¹ 49 U.S.C. § 31105(c); 29 C.F.R. § 1978.114(a) (“If there is no final order of the Secretary, 210 days have passed since the filing of the complaint, and there is no showing that there has been delay due to the bad faith of the complainant, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which will have jurisdiction over such an action without regard to the amount in controversy.”).