U.S. Department of Labor

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

IN THE MATTER OF:

WESLEY CHRISTOPHER,

COMPLAINANT,

v.

PRIME LOGISTICS CORP, PRIME LOG LLC, PRIME LOGISTICS LLC, and PHILIP ARNAUDOV,

RESPONDENTS.

ARB CASE NO. 2026-0051

ALJ CASE NO. 2026-STA-00005
ALJ SEAN M. RAMALEY

DATE: July 7, 2026

Before BURRELL and KIKO, Administrative Appeals Judges

ORDER OF ADMINISTRATIVE CLOSURE

This case arises under the Surface Transportation Assistance Act of 1982 (STAA), as amended, and its implementing regulations.[1] Complainant Wesley Christopher filed a complaint with the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA), alleging that Respondents Prime Logistics, Prime Log LLC, Prime Logistics LLC, and Philip Arnaudov unlawfully retaliated against him for engaging in protected activity.[2] On September 16, 2025, OSHA issued the Secretary's Findings, concluding that there was no reasonable cause to believe that Respondents violated the STAA.[3] Complainant thereafter filed objections and requested a hearing before the Office of Administrative Law Judges (OALJ).[4]

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1 49 U.S.C. § 31105(a); 29 C.F.R. Part 1978 (2026).

2 Order of Dismissal at 1.

3 *Id.*

4 *Id.*

The matter was assigned to a United States Department of Labor Administrative Law Judge (ALJ) on February 10, 2026.[5] On April 9, 2026, Complainant, through counsel, informed the ALJ that he was in the process of seeking removal to United States District Court for the Northern District of Illinois (District Court) under the STAA's kick-out provision.[6] Meanwhile, a telephonic prehearing conference remained scheduled for April 16, 2026.[7] Complainant did not file a prehearing statement or a copy of the district court complaint with the ALJ prior to the prehearing conference.[8] The ALJ convened the prehearing conference, but neither party appeared.[9] Accordingly, the ALJ issued an Order to Show Cause, directing Complainant to show good cause why the case should not be dismissed for failure to attend the prehearing conference.[10]

Also on April 16, 2026, Complainant filed a civil action in the District Court, captioned *Christopher v. P Logistics X Corp. f/k/a Prime Logistics Corp., et al.*, No. 1:26-cv-04262 (N.D. Ill.).[11] On April 20, 2026, Complainant emailed the OALJ's general filing email address and attached a Notice of Filing, a Certificate of Service, and the file-stamped copy of the district court complaint.[12] However, Complainant did not respond to the Order to Show Cause.[13]

On June 8, 2026, the ALJ issued an Order of Dismissal.[14] Later that same day, Complainant moved for reconsideration, requesting that the ALJ vacate the dismissal with prejudice and instead enter a dismissal without prejudice to reflect his exercise of the STAA's kick-out provision.[15] In the alternative, Complainant

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5 *Id.*

6 *Id.*

7 *See id.*

8 *Id.*

9 *Id.* at 2.

10 *Id.*

11 Complainant-Petitioner's Petition for Review of the June 8, 2026 Order of Dismissal (Petition for Review) at 6.

12 *Id.*

13 Order of Dismissal at 2.

14 The ALJ acknowledged that he was aware, when he issued the Order of Dismissal, that Complainant filed a complaint in the District Court. *Id.*

15 Complainant's Verified Motion for Reconsideration of the June 8, 2026 Order of Dismissal, to Vacate the Dismissal with Prejudice, and to Enter a Dismissal without

requested that the ALJ set aside the dismissal based on mistake, inadvertence, or excusable neglect, and grant an extension of time if the district court filing was found to be untimely or procedurally deficient.[16]

On June 22, 2026, Complainant petitioned the Administrative Review Board (ARB or Board) for review of the Order of Dismissal, and the matter was administratively assigned ARB Case Number 2026-0051. While Complainant's Petition for Review was pending before the Board, the ALJ issued an Order Granting Reconsideration and Order of Dismissal, concluding that Complainant's district court filing was timely despite being sent to the wrong OALJ email address.[17] The ALJ then removed the sanction basis for the dismissal, but dismissed the case because Complainant's district court filing divested the OALJ of jurisdiction, making dismissal a ministerial closure rather than a penalty.[18]

The Board declines to accept the Petition for Review[19] because it lacks jurisdiction to proceed further in this matter. The STAA provides that if the Secretary of Labor has not issued a final decision within 210 days, an employee may bring an action at law or equity in the appropriate district court, which "shall have jurisdiction over such an action . . . ."[20] Complainant filed his complaint with OSHA on November 15, 2024. More than 210 days elapsed without the Secretary issuing a final decision. Complainant then filed in federal district court on April 16, 2026, pursuant to the STAA's kick-out provision.

Complainant's district court filing divested the Department of Labor's adjudicatory tribunals, including the Board, of jurisdiction over this matter. Accordingly, the Board lacks jurisdiction to proceed further in this case. For this reason, we hereby administratively close this matter.

Prejudice Reflecting Complainant's Exercise of the STAA Kick-Out Provision (49 U.S.C. § 31105(c)); and, in the Alternative, for Relief from Order Pursuant to 29 C.F.R. § 18.1(a) and Fed. R. Civ. P. 60(b)(1) (Motion for Reconsideration) at 5-6, 8.

16 *Id*. at 6-8.

17 Order Granting Reconsideration and Order of Dismissal at 2.

18 *Id*. at 2-3.

19 *See* 29 C.F.R. § 1978.110(b).

20 49 U.S.C. § 31105(c); *accord* 29 C.F.R. § 1978.114(a).

SO ORDERED.

THOMAS H. BURRELL
Administrative Appeals Judge

PHILIP G. KIKO
Administrative Appeals Judge