

**U.S. Department of Labor**

Occupational Safety & Health Administration  
Philadelphia Regional Office  
1835 Market Street  
Mailstop OSHA-RO/19  
Philadelphia, PA 19106-2968  
Telephone: (215) 861-4900  
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September 17, 2024

Truestart Transport LLC  
Alex Akhmedov  
Nazin Akhmedov  
13809 Maugansville Rd #701  
Maugansville, MD 21767

**Via Email:** Dispatch@truestartllc.com  
**Via UPS:** Tracking Number 1ZX1053WA896536702

Re: Truestart Transport LLC, Alex Akhmedov, and Nazin Akhmedov [REDACTED] 301028001  
U.S. D.O.T. No. 3283112

Dear Truestart Transport LLC, Alex Akhmedov, Nazin Akhmedov:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by [REDACTED] (Complainant) against Truestart Transport LLC ("Truestart"), Alex Akhmedov, and Nazin Akhmedov (Respondents) on December 12, 2023, under the Surface Transportation Assistance Act (STAA), 49 U.S.C. §31105. In brief, Complainant alleged Respondents discharged him for refusing to drive an oversized commercial load without the escort vehicle required by Department of Transportation regulations.

Following an investigation by a duly authorized investigator, the Acting Secretary of Labor, acting through her agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Philadelphia Region, finds there is reasonable cause to believe Respondents violated STAA and issues the following findings:

**Secretary's Findings**

On December 12, 2023, Complainant, a former commercial driver for Respondents, filed a complaint with the Secretary of Labor alleging Respondents retaliated against him in violation of STAA when Respondents discharged him on December 4, 2023, because he refused to drive an oversized load without an escort vehicle, which was required by Department of Transportation (DOT) regulations. Since a Complainant has 180 days to file a complaint, the instant complaint is timely filed.

Respondents are covered under STAA because Truestart, Alex Akhmedov, and Nazin Akhmedov are persons within the meaning of 1 U.S.C. § 1 and 49 U.S.C. § 31105. Respondent Truestart is also a commercial motor carrier within the meaning of 49 U.S.C. § 31101. Respondent Truestart is engaged in transporting goods and equipment on the highways via at least one commercial motor vehicles, that is, a vehicle with a gross vehicle weight rating of

10,001 pounds or more. Respondents Alex Akhmedov, and Nazin Akhmedov are believed to be owners and/or supervisors of Respondent Truestart and were both involved in the incidents relevant to this complaint.

Complainant is an employee within the meaning of 49 U.S.C. § 31101. In the course of his employment with Respondents, Complainant directly affected commercial motor vehicle safety in that he drove commercial motor vehicles to haul goods and equipment for Respondents.

OSHA finds that Complainant engaged in protected activity on December 3, 2023, and again on December 4, 2023, when he reported to Truestart's dispatcher Alex Akhmedov and Truestart's owner Nazin Akhmedov that he would not transit an oversized load without an escort vehicle required by the permit issued per DOT regulations.

Specifically, while at a rest stop in Tennessee, Complainant looked over his permit and noticed the permit for the next leg of his transit required an escort, due to the oversized load. Complainant called "Alex,"<sup>1</sup> Truestart's Dispatch Manager, to inform him of the escort requirement and also that he was not feeling well. Respondents told him to move anyway and without the required escort vehicle. Alex and his father, Nazin Akhmedov, both told Complainant not to follow the permitted route that required an escort, which Complainant said was a violation of the U.S. Department of Transportation (DOT) regulations. Complainant was told he was not going to get an escort vehicle and Complainant relayed he was not moving without one. Alex told him if he was not going to make the transit without an escort, he was to take his stuff out of the truck and Alex would send his father to make the transit. Complainant would then be sent home. Complainant interpreted these statements to mean that he was being terminated. Complainant recorded the conversations with the dispatcher. The recordings demonstrate that Complainant engaged in protected activity and Respondents had knowledge of Complainant's protected activities.

Alex's father, Nazin Akhmedov, arrived the next day and told Complainant, if he wanted to work, he would have to do things Nazin Akhmedov's way. To Complainant, that meant he would have to violate the law in order to work. Complainant asked Nazin Akhmedov "what are you going to do with me?" Complainant states that Nazin Akhmedov just shrugged his shoulders, and Complainant believes he was given the option to either continue to work for Respondents and break the law or be terminated. Complainant felt he was terminated because he refused to continue to run loads without an escort, in violation of DOT regulations. After his termination, Complainant was forced to travel home, at this own expense, from the rest stop in Tennessee.

OSHA finds that Complainant suffered an adverse employment action when Respondents terminated Complainant's employment on December 4, 2023, for his refusal to drive a commercial vehicle without the required escort vehicle.

Respondents never provide a position statement in response to OSHA's notification letter. Respondents also failed to respond to OSHA's Due Process Letter, dated August 6, 2024, which Respondents received on August 8, 2024.

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<sup>1</sup> Believed to be Respondent Alex Akhmedov.

OSHA finds that Complainant's protected activity was a contributing factor in the adverse employment action. Consequently, OSHA finds there is sufficient evidence to believe Respondents violated the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105. Respondents have failed to demonstrate by clear and convincing evidence that they would have terminated Complainant in the absence of his protected activity. Therefore, OSHA finds that Respondents violated STAA and Complainant is entitled to relief.

As a result of Complainant's illegal termination, he and his family faced mental and financial hardships. Upon Complainant's illegal termination, he was left to fund his own transportation from Tennessee to his place of residence in [REDACTED]

[REDACTED] OSHA believes that Complainant and his family suffered tremendously from Respondents' illegal conduct and compensatory damages for pain and suffering are appropriate.

OSHA also believes that Respondents' conduct warrants punitive damages. In addition to first threatening Complainant with firing him from employment unless he agreed to violated DOT regulations, Respondents stranded Complainant in a rest stop parking lot in Tennessee and made him arrange and pay for his own transportation back to his place of residency [REDACTED]. Respondent Nazin Akhnedov made it clear to Complainant that if he wanted to continue to work for Respondents, he would have to do things their way, which Complainant interpreted as he would have to be willing to violate DOT regulations when told to do so by Respondents. Respondent Nazin Akhnedov went as far as to tell Complainant he would pay any fines incurred if he agreed to transit in violation of the known regulations. Respondents' conduct was reprehensible and a direct affront to the rights of workers and the safety of the public.

### **PRELIMINARY ORDER**

1. Upon receipt of this Secretary's Finding and Preliminary Order, Respondents shall immediately reinstate Complainant to his former position at the same rate of pay as he would have earned had he not been terminated. Such reinstatement shall include all rights, seniority, and benefits that Complainant would have enjoyed had he never been discharged. Such reinstatement is not stayed by an objection to this order.
2. Respondents shall pay Complainant back pay, minus interim earnings, in the amount of \$9,160.22 as of the date of these Findings.
3. Respondents shall pay interest on the back wages in the amount of \$537.72 as of the date of these Findings in accordance with 26 U.S.C. § 6621, and thereafter such interest until Respondent makes a *bona fide* offer of reinstatement.
4. Respondents shall pay Complainant compensatory damages in the amount of \$26,396.02 for the following:
  - Out-of-pocket travel and storage expenses in the amount of \$1,396.02
  - Pain and suffering, including mental distress in the amount of \$25,000

5. Respondents shall pay punitive damages to Complainant in the amount of \$10,000.
6. Respondents shall expunge Complainant's employment records of any reference to the exercise of his rights under STAA.
7. Respondents shall remove any and all negative information that it entered on the DAC Reports for Complainant.<sup>2</sup>
8. Respondents shall not retaliate or discriminate against Complainant in any manner for instituting or causing to be instituted any proceeding under or related to STAA.
9. Respondents shall post immediately in a conspicuous place in or about Respondents' facilities, including in all places where notices for employees are customarily posted, including Respondent's internal web site for employees or e-mails, if Respondents customarily uses one or more of these electronic methods for communicating with employees, and maintain for a period of at least 60 consecutive days from the date of posting, the attached Notice to Employees, to be signed by a responsible official of Respondents and the date of actual posting to be shown thereon.
10. Respondents shall issue to all Commercial Motor Vehicle (CMV) drivers presently employed as well as any new CMV drivers hired in the next two years, a copy of the attached OSHA STAA Fact Sheet "Whistleblower Protection for Commercial Motor Vehicle Workers Fact Sheet" (DWPP FS 3946).

Respondents and Complainant have 30 days from the receipt of these Findings to file objections and to request a hearing before an Administrative Law Judge (ALJ). If no objections are filed, these Findings will become final and not subject to court review. Objections must be filed in writing with:

**PRIMARY:** [OALJ-Filings@dol.gov](mailto:OALJ-Filings@dol.gov)

**Secondary method** (if unable to file via email):

Chief Administrative Law Judge  
Office of Administrative Law Judges  
U.S. Department of Labor  
200 Constitution Avenue NW  
Room S-4325  
Washington, D.C. 20001-8002  
Phone: (202) 693-7300  
Fax: (202) 693-7365

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<sup>2</sup> Drive-A-Check, (DAC) tells companies what a Commercial Driver's License (CDL) driver's history is like. It lets them know about the period of service, loads hauled, equipment operated, accidents, traffic violations, and drug and alcohol history. The DAC report allows hiring companies to instantly access a driver's work history and determine if they are a good fit for the company.

Copied to:

Regional Administrator  
Occupational Safety & Health Administration  
ATTN: ARA-WPP  
Philadelphia Regional Office  
1835 Market Street  
Mailstop OSHA-RO/19  
Philadelphia, PA 19106-2968

And:

All parties to this case.

In addition, please be advised that the U.S. Department of Labor does not represent any private party in the hearing; rather, each private party presents his or her own case. In a STAA case in which OSHA has issued merit findings, the Assistant Secretary of Labor for Occupational Safety and Health, represented by the appropriate Regional Solicitor's Office, ordinarily is the prosecuting party, but the Complainant may also litigate. The hearing is an adversarial proceeding before an ALJ in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board, to which the Secretary of Labor has delegated responsibility for issuing final agency decisions under the Act. A copy of this letter has been sent to the Chief Administrative Law Judge along with a copy of your complaint.

The rules and procedures for the handling of STAA cases can be found in Title 29 of the Code of Federal Regulations, Part 1978 (STAA) and may be obtained at [www.whistleblowers.gov](http://www.whistleblowers.gov).

Sincerely,



Michael Mabee  
Assistant Regional Administrator  
Whistleblower Protection Program

cc: [REDACTED] (Complainant) [REDACTED]  
Chief Administrative Law Judge, USDOL  
Federal Motor Carrier Safety Administration (FMCSA)

# Whistleblower Protection for Commercial Motor Vehicle Workers

**Truck drivers and other workers affecting commercial motor vehicle safety or security are protected from retaliation for reporting, or engaging in activities related to, certain commercial motor vehicle safety, health or security conditions.**

On August 3, 2007, the *Surface Transportation Assistance Act* (STAA), 49 U.S.C. § 31105, was amended by *The Implementing Recommendations of the 9/11 Commission Act* (Public Law 110-53) to include new rights, remedies and procedures.

## Covered Employees

In general, STAA covers private-sector drivers (including independent contractors while personally operating a commercial motor vehicle) and other workers (including mechanics and freight handlers) involved in activities directly affecting commercial motor vehicle safety or security. A commercial motor vehicle covered by STAA is defined as any self-propelled or towed vehicle used on the highway in commerce principally to transport cargo or passengers. To qualify for coverage, such a vehicle must also:

- Have a vehicle weight rating or gross vehicle weight of at least 10,001 pounds (whichever is greater);
- Be designed to transport more than 10 passengers, including the driver; or,
- Transport materials deemed hazardous by the Secretary of Transportation in a quantity requiring placarding (posting) under applicable regulations.

## Protected Activity

If you are covered under STAA, your employer may not discharge you or in any manner retaliate against you for:

- filing a complaint or initiating or participating in a proceeding related to the violation of a commercial motor vehicle safety or security rule; or
- cooperating with certain federal safety or security investigations; or

- providing information in an investigation by a federal, state, or local regulatory or law enforcement agency relating to any accident or incident resulting in injury or death or property damage that occurred in connection with commercial motor vehicle transportation.

In addition, under STAA, your employer may not discharge you or in any manner retaliate against you for refusing to operate a vehicle because to do so would violate a federal commercial motor vehicle rule related to safety, health, or security, or because you had a reasonable apprehension of serious injury to yourself or to the public related to a vehicle's safety or security condition. STAA also prohibits your employer from discharging or otherwise retaliating against you for accurately reporting hours of service (HOS). (For more detail about federal HOS requirements, please visit the Federal Motor Carrier Safety Administration's website [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)). You may also be covered if you were perceived as having engaged in the activities described above. In addition, you may also be protected under STAA if you have been harassed or coerced about following safety regulations.

## What Is Retaliation?

Retaliation is an adverse action against an employee because of activity protected by STAA. Retaliation can include several types of actions, such as:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failing to hire or rehire
- Intimidation
- Reassignment affecting promotion prospects

- Reducing pay or hours
- Making threats

### Deadline for Filing Complaints

Complaints must be filed within 180 days after the alleged retaliatory action occurred or after the date on which the employee became aware of the action.

### How to File a STAA Complaint

An employee can file a STAA complaint with OSHA by visiting or calling his or her local OSHA office, sending a written complaint to the closest OSHA office, or filing a complaint online. No particular form is required and complaints may be submitted in any language. Written complaints may be filed by fax, electronic communication, hand delivery during business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, fax, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed.

To file a complaint electronically, please visit [www.osha.gov/whistleblower/WBComplaint.html](http://www.osha.gov/whistleblower/WBComplaint.html).

To contact an OSHA area office, please call 1-800-321-OSHA (6742) to be connected to the closest area office. Or visit our website at [www.osha.gov/html/RAmap.html](http://www.osha.gov/html/RAmap.html) and click on your state to find your local OSHA office address and contact information.

When OSHA receives a complaint, the agency will first review it to determine whether certain basic requirements are met, such as whether the complaint was filed on time. If so, the complaint will then be investigated according to the procedures required by 29 CFR Part 1978.

### Results of the Investigation

If the evidence supports an employee's complaint of retaliation, OSHA will issue an order requiring the employer to, as appropriate, put the employee

back to work, pay lost wages, restore benefits, and other possible relief. The exact requirements will depend on the facts of the case. If the evidence does not support the employee's complaint, OSHA will dismiss the complaint.

After OSHA issues a decision, the employer and/or the employee may request a full hearing before an administrative law judge of the Department of Labor. The administrative law judge's decision may be appealed to the Department's Administrative Review Board. The employee may also file a complaint in federal court if the Department does not issue a final decision within 210 days. See 49 U.S.C. § 31105.

### To Get Further Information

For a copy of STAA, 49 U.S.C. § 31105, the regulations (29 CFR 1978), and other information, go to [www.whistleblowers.gov](http://www.whistleblowers.gov).

OSHA's Whistleblower Protection Programs enforces the whistleblower provisions of more than twenty federal whistleblower laws. To learn more about the whistleblower statutes which OSHA enforces, view our "Whistleblower Statutes Desk Aid" at [www.whistleblowers.gov/whistleblower\\_acts-desk\\_reference.pdf](http://www.whistleblowers.gov/whistleblower_acts-desk_reference.pdf).

For information on the Office of Administrative Law Judges procedures and case law research materials, go to [www.oalj.dol.gov](http://www.oalj.dol.gov) and click on the link for "Whistleblower."

For information on commercial motor vehicle safety laws and regulations, visit the Federal Motor Carrier Safety Administration's (FMCSA) website at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov). To file a substantive safety or security complaint with FMCSA, please visit [nccdb.fmcsa.dot.gov/nccdb/home.aspx](http://nccdb.fmcsa.dot.gov/nccdb/home.aspx).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education, and assistance. For more information, visit [www.osha.gov](http://www.osha.gov).

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



U.S. Department of Labor



DWPP FS-3946 04/2018





# NOTICE TO EMPLOYEES

## **PURSUANT TO AN ORDER BY THE U.S. DEPARTMENT OF LABOR, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION:**

Truestart Transport LLC, Alex Akhmedov, and Nazin Akhmedov have been ordered to make whole an employee who was found to have been retaliated against for exercising their rights under the Surface Transportation Assistance Act, 49 U.S.C. § 31105. The company and individuals have been ordered to take affirmative action to ensure the rights of its employees under employee whistleblower protection statutes including the STAA.

### **PURSUANT TO THAT ORDER, TRUESTART TRANSPORT LLC, ALEX AKHMEDOV, and NAZIN AKHMEDOV WILL NOT:**

Discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)

- (1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Motor Carrier Safety Administration or any other provision of Federal law relating to commercial motor carriers under this subtitle or any other law of the United States;
- (2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Motor Carrier Safety Administration or any other provision of Federal law relating to commercial motor carriers safety under this subtitle or any other law of the United States;
- (3) testified or is about to testify in such a proceeding; or
- (4) assisted or participated or is about to assist or participate in such a proceeding

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**Signature of Company Official**

**Date**

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE  
MUST REMAIN POSTED AND MUST BE NOT ALTERED, DEFACED, OR COVERED BY  
OTHER MATERIAL.**