

**BEFORE THE  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**MOTT'S TRANSPORTATION, INC.  
(U.S. DOT No. 1825545) and  
JEROME CARTER, SR.,**

**Respondents**

**Docket No. FMCSA-2014-0093  
(Southern Service Center)**

**ORDER APPOINTING ADMINISTRATIVE LAW JUDGE**

**1. Background**

By letter dated February 18, 2014, counsel for Mott's Transportation, Inc. and Jerome Carter, Sr. requested review of an Imminent Hazard Operations Out-of-Service Order (IHOOS Order) that he stated had been signed February 10, 2014. The IHOOS Order was not attached to the request for review. Nevertheless, opportunity for review of an IHOOS Order is provided by 5 U.S.C § 521(b)(5)(A) and 49 CFR 386.72(b)(4). The statute provides: "Subsequent to the issuance of the [imminent hazard] order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall not occur later than 10 days after the issuance of such order."<sup>1</sup> The regulation contains the same 10-day language.<sup>2</sup> Accordingly, this matter is forwarded to the U.S. Department of Transportation's Office of Hearings. Respondents should submit a copy of the IHOOS Order to the persons listed in the attached certificate of

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<sup>1</sup> Section 554 of title 5 pertains to hearings on the record.

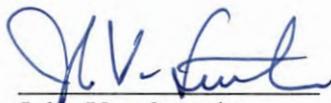
<sup>2</sup> For a discussion of limited waivers of the 10-day period, see *In the Matter of Henry T. Daye dba Two Dayes Transport, Kyle LaSalle Daye dba Two Dayes Trucking, Henry T. Daye Individually, and Kyle LaSalle Daye Individually*, Docket No. FMCSA-2013-0006, Initial Decision of U.S. Administrative Law Judge, May 17, 2013, at 16 – 18.

service, with the original to be served upon the U.S Department of Transportation's Docket Operations.

**2. Appointment of Administrative Law Judge**

In accordance with 49 CFR 386.54, an administrative law judge is hereby appointed, to be designated by the Chief Administrative Law Judge of the Department of Transportation, to preside over this matter and render decisions on all issues. The proceeding shall be governed by subparts D and E of 49 CFR 386 of the Rules of Practice and all orders issued by the administrative law judge.

*It Is So Ordered.*



John Van Steenburg  
Assistant Administrator  
Federal Motor Carrier Safety Administration

2/20/14

**CERTIFICATE OF SERVICE**

This is to certify that on this 20 day of February, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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The Honorable Ronnie A. Yoder  
Chief Administrative Law Judge  
Office of Hearings, M-20  
U.S. Department of Transportation  
Washington, D.C. 20590

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Personal Delivery

U.S. Department of Transportation  
Docket Operations, M-30  
West Building Ground Floor  
Room W12-140  
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Personal Delivery

  
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