

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 17 November 2005**

CASE NO.: 2005-STA-00062

*In the Matter of:*

VON HUBBARD,  
Complainant,

vs.

UNITED PARCEL SERVICE, INC.,  
Respondent.

**ORDER VACATING HEARING AND DISMISSING CASE**

This matter is before me on a request by Von Hubbard, the Complainant, for a hearing before the Office of Administrative Law Judges ("OALJ") under the employee protection provision of the Surface Transportation Assistance Act of 1982 ("Act" or "STAA"), 49 U.S.C. § 31105. The Complainant objects to findings issued by the Regional Administrator of the Department of Labor's Occupational Safety and Health Administration ("OSHA") on August 15, 2005, which dismissed a complaint he filed on June 2, 2005, alleging that the Respondent, United Parcel Service, violated § 405 of the STAA by terminating him. Section 405 of the STAA provides protection from discrimination to employees who engage in activity protected under the Act. The OALJ has jurisdiction over this matter pursuant to 49 U.S.C. § 31105 and 29 C.F.R. § 1978.105.

This matter was scheduled for hearing on November 29, 2005, in Salt Lake City, Utah. On November 8, 2005, I received from the Claimant a notice informing me that he has decided not to pursue his claim of retaliation and asking to withdraw his appeal. The notice asked that I dismiss the appeal.

In view of this development, it is hereby ORDERED that the November 29, 2005, hearing be VACATED. The Complainant's request to withdraw his appeal is GRANTED.

Accordingly, it is ORDERED that this case be DISMISSED.

**A**

JENNIFER GEE  
Administrative Law Judge