

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 07 September 2006

Case No. 2006-STA-00043

In the Matter of

HELEN PFEFFER,

Complainant,

v.

PALMER BUS SERVICE OF NORTH
CENTRAL MINNESOTA, INC.,

Respondent.

**RECOMMENDED ORDER APPROVING WITHDRAWAL OF OBJECTIONS
AND DISMISSING CLAIM**

This proceeding arises under the employee protection provisions of 49 U.S.C. Section 31105 of the Surface Transportation Assistance Act (STAA), and the applicable regulations issued thereunder at 29 C.F.R. Part 1978. On June 15, 2006, the Area Director, Occupational Safety and Health Administration, U.S. Department of Labor, issued his Findings on a complaint filed by Helen Pfeffer against Palmer Bus Service of North Central MN, Inc., in which he concluded that there was not reasonable cause to believe that Respondent violated 49 U.S.C. Section 31105.

In response to the Area Director's Findings, the Complainant appealed the Findings on or about July 30, 2006. The above-captioned matter is currently pending before me. By letter dated August 29, 2006, Complainant, by her attorney, requests to "withdraw her request for a review hearing of the Secretary's findings."

Twenty-nine C.F.R. Section 1978.111(c) governs withdrawals of STAA complaints. The regulation specifically states:

At any time before the findings or order become final, a party may withdraw his

objections to the findings or order by filing a written withdrawal with the administrative law judge or, if the case is on review, with the Administrative Review Board, United States Department of Labor. The judge or the Administrative Review Board, United States Department of Labor, as the case may be, shall affirm any portion of the findings or preliminary order with respect to which the objection was withdrawn.

29 C.F.R. § 1978.111(c) (2005).

ORDER

Having duly considered the matter, Complainant's claim, 2006-STA-43, is hereby recommended to be **dismissed**.

A

LARRY S. MERCK
Administrative Law Judge

Notice of Review: The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210. See 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.