



Issue Date: 26 March 2007

Case No.: 2007-STA-00010

In the Matter of:

BRUCE A. MORGAN,
Complainant

v.

HENDRICKS CONSTRUCTION,
Respondent

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

This proceeding arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (hereinafter, "STAA"), and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On March 7, 2007, *pro se* Complainant filed his "Request for Withdrawal" of his complaint. The request recites that Complainant currently has a new job and "do[es] not want [the instant case] to interfere with it." Respondent, by counsel, on the same date, filed its response stating that Respondent "does not object to Complainant's request for dismissal with prejudice of his complaint."

Twenty-nine C.F.R. § 1978.111(c) (2006) governs withdrawals of STAA complaints and provides that, "at any time before the findings and order becomes final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge." The Judge shall determine whether to affirm any portion of the findings or preliminary order or to approve the withdrawal.

Complainant has submitted such a request for withdrawal in the form of his voluntary motion to dismiss. Since Respondent has no objections, Complainant's request for withdrawal is hereby accepted and, consistent with the regulation, the Secretary's findings are **REINSTATED**, and the above-captioned matter is hereby **DISMISSED** with prejudice.

The formal hearing presently scheduled to commence on April 17, 2007, in South Bend, Indiana is **CANCELLED**.

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JOSEPH E. KANE
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, D.C., 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.