



Issue Date: 27 August 2020

OALJ Case No.: 2020-ERA-00001
OSHA Case No.: 0-0160-18-024

In the Matter of:

JOHN CHRISTOPHER TURNER,
Complainant,

v.

IDAHO TRANSPORTATION DEPARTMENT,
Respondent.

DOCKETING NOTICE AND ORDER OF DISMISSAL

This proceeding arises under the employee protection provisions of the Energy Reorganization Act of 1974 (“ERA” or “the Act”), 42 U.S.C. § 5851 and the procedural regulations found at 29 C.F.R. Part 24.

Background

John Christopher Turner (“Complainant”) filed a complaint with the Secretary of Labor (“Secretary”) on or about March 16, 2018 alleging the Idaho Transportation Department (“Respondent”) discharged him in retaliation for reporting nuclear safety and health concerns. On October 4, 2019, the Secretary, acting through the Regional Supervisory Investigator, Occupational Safety and Health Administration (“OSHA”), found no reasonable cause to believe that Respondent violated the ERA and dismissed the complaint.

Before the Office of Administrative Law Judges could set this matter for hearing, the parties submitted a signed *Release and Settlement Agreement* in a case pending in the District Court for the Fourth Judicial District of the State of Idaho (Case No. CV01-18-06904). One of the terms of the agreement requires Complainant to withdraw his pending Department of Labor action.

The rules governing withdrawal of ERA complaints provide that “[a]t any time before the . . . findings and/or preliminary order become final, a party may withdraw its objections to the . . . findings and/or preliminary order by filing a written withdrawal” with the administrative law judge, who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. 29 C.F.R. § 24.111(c).

Order

As no final decision has been issued in this matter, Complainant's request for withdrawal of objections is hereby accepted. Consistent with the regulations, the above-captioned matter is hereby DISMISSED with prejudice.

SO ORDERED.

STEPHEN R. HENLEY
Chief Administrative Law Judge