



**Issue Date: 19 June 2012**

**CASE NO.: 2012-FRS-00044**

**IN THE MATTER OF:**

**ARTURO L. TALAMANTEZ,  
Complainant**

**v.**

**UNION PACIFIC RAILROAD COMPANY,  
Respondent**

**DECISION AND ORDER GRANTING COMPLAINANT'S MOTION TO WITHDRAW  
COMPLAINT**

This matter arises from a claim filed on January 19, 2012 by the Complainant under the employee protection provisions of the Federal Railroad Safety Act (FRSA), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Pub. L. No. 110-53. The complaint alleged that the Complainant was discharged in retaliation for reporting a work related injury on November 17, 2011. The Occupational Safety and Health Administration (OSHA), as the agent of the Secretary of Labor, investigated the complaint and reported its findings on May 2, 2012. Those finding dismissed the complaint. On May 25, 2012, the Complainant appealed those findings to the Office of Administrative Law Judges (OALJ).

On June 15, 2012, Complainant filed a motion to withdraw his appeal to the OALJ, citing that he did not have the resources to take his case to court. The motion is made and granted at the request of Complainant; no determination on the merits of the complaint has been made and none should be inferred from this ruling.

**ORDER**

Based upon the foregoing, the motion to withdraw is GRANTED and the complaint is DISMISSED.

**So ORDERED.**

**A**

**LARRY W. PRICE**  
Administrative Law Judge