



Issue Date: 15 May 2015

Case No.: 2014-FRS-00089

In the Matter of:

DUSTIN F. ADAMS,
Complainant,

v.

CSX TRANSPORTATION, INC.,
Respondent.

ORDER APPROVING WITHDRAWAL OF COMPLAINT AND DISMISSAL OF CASE

This proceeding arises from a claim of whistleblower-protection under the Federal Rail Safety Act (FRSA), as amended.¹ This case involves Complainant's challenge to the Occupational Safety and Health Administration's finding that there was no reasonable cause to believe that Respondent had violated the provisions of the FRSA.

The Complainant submitted his "Written Withdrawal of Complaint Pursuant to 29 C.F.R. §1982.111" on May 14, 2015. That document states:

"the Complainant, Dustin F. Adams, by and through counsel, . . . hereby withdraws his objections to the Secretary's findings dated March 28, 2014. This withdrawal and request for dismissal is being made prior to a final decision by the ALJ, and is *not* the result of a settlement. Complainant has provided full consent and authority for the instant action, and understands that, if approved, the Secretary's findings will become a final order. There are no other pending objections in this matter." (Emphasis supplied.)

29 C.F.R. §1982.111(c) controls the voluntary withdrawal of an FRSA claim. It provides in pertinent part:

At any time before the Assistant Secretary's findings . . . become final, a party may withdraw its objections to the Assistant Secretary's findings . . . by filing a written withdrawal with the ALJ... The ALJ... will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings... and there are no other pending objections, the Assistant Secretary's findings... will become the final order of the Secretary.

¹ 49 U.S.C. § 20109 (2011).

As the Complainant has indicated his intent to withdraw his objections to the Occupational Safety and Health Administration's findings and is represented by counsel, pursuant to 29 C.F.R. 1982.111(c), Complainant's request to withdraw his complaint, currently pending before the Office of Administrative Law Judges, is hereby **GRANTED**. Accordingly,

IT IS HEREBY ORDERED that this matter is **DISMISSED** with prejudice without costs awarded to either party.

JOSEPH E. KANE
Administrative Law Judge