



Issue Date: 07 July 2015

CASE NOS.: 2014-FRS-00125

In the Matter of:

JAMES ADAMS,
Complainant,

v.

CSX TRANSPORTATION,
Respondent.

**ORDER GRANTING REQUEST TO WITHDRAW
OBJECTIONS AND REQUEST FOR HEARING**

This matter arises under the employee-protection provisions of the Federal Railroad Safety Act, U.S. Code, Title 49, §20109, as amended (“FRSA”), and its implementing regulations at 29 C.F.R. Part 1982. A hearing was scheduled to begin on May 20, 2015 in Newport News, Virginia, but it was canceled upon the parties’ representation that they wished to pursue a negotiated settlement.

By letter dated April 23, 2015, counsel for the Complainants advised Complainant James Adams wished to withdraw his appeal. Upon request from a member of my staff, counsel subsequently forwarded a signed request from Complainant purporting to be a voluntary dismissal of his “FRSA claim.” Complainant’s request is construed to be a request to withdraw his objections to the May 21, 2014 Secretary’s Findings, issued through his delegee, the Regional Administrator of the Occupational Safety and Health Administration. Under 29 C.F.R. § 1982.111(c), “[a]t any time before the Assistant Secretary’s findings and/or order become final, a party may withdraw its objections to the Assistant Secretary’s findings and/or order by filing a written withdrawal with the ALJ The ALJ ... will determine whether to approve the withdrawal of the objections If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary.” As Mr. Adams is represented by counsel and has presumably been fully advised of the consequences, his request will be approved.

Accordingly, **IT IS ORDERED:**

1. Complainant's request to withdraw his objections to the findings below is **GRANTED**; and,
2. The May 21, 2014 Findings hereby become the final order of the Secretary.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge