



Issue Date: 16 February 2016

CASE NO.:2014-FRS-00084

In the Matter of:

PHILLIP CHAULK
Complainant

v.

GRAND TRUNK WESTERN RAILROAD COMPANY
Respondent

DECISION AND ORDER GRANTING COMPLAINANT'S
MOTION TO WITHDRAW COMPLAINT

This matter arises from a claim filed by 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 Occupational Safety and Health Administration, as the agent of the Secretary of Labor, investigated the complaint and found there was no reasonable cause to believe Respondent violated 49 U.S.C. § 20109. Complainant appealed those findings to the Office of Administrative Law Judges.

In late January, 2016 Complainant informed the Court's staff that he did not want to pursue his case any further. Complainant was advised that if he wished to withdraw his case, he should so advise the Court in writing with a copy to Respondent's counsel. By letter dated February 3, 2016 Complainant requested to withdraw his case "in no part due to lack of conviction, simply my inability to continue." Respondent does not oppose the request.

Complainant's Motion to Withdraw his complaint is hereby **GRANTED**. 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

Complainant's Motion to Withdraw is **GRANTED** and the appeal is **DISMISSED WITH PREJUDICE**. The objections to the Assistant Secretary's findings are **WITHDRAWN** and the findings stated in the letter of March 17, 2014, shall constitute the Secretary's final order in this matter. See 29 C.F.R. § 1982.111(c).

So ORDERED.

LARRY W. PRICE
Administrative Law Judge