

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 11 March 2015**

**In the Matter of:**

**Case No.: 2014-FRS-00116**

**BILL FISTLER,**  
*Complainant,*

**v.**

**DAKOTA, MINNESOTA & EASTERN RAILROAD**  
**D/B/A CANADIAN PACIFIC,**  
*Respondent,*

**and**

**DIRECTOR, OFFICE OF WORKERS'**  
**COMPENSATION PROGRAMS,**  
*Party-in-Interest.*

**ORDER DISMISSING CASE WITH PREJUDICE**

This matter arises under the Federal Railroad Safety Act (FRSA), 49 U.S.C. §20109, as amended. Pursuant to my June 26, 2014, *Notice of Hearing and Prehearing Order*, this matter was scheduled for formal hearing on November 4-6, 2014, in Minneapolis, MN. On September 30, 2014, the hearing was rescheduled for May 12-14, 2015.

On March 9, 2015, I received the parties' *Stipulation of Dismissal with Prejudice*. The parties stated that Complainant has decided to withdraw and dismiss his pending appeal before the Office of Administrative Law Judges. Both parties stipulated that the dismissal would be with prejudice, with no further right of appeal.

In light of the stipulation of the parties, **IT IS HEREBY ORDERED** that this case is dismissed with prejudice. Accordingly, the hearing scheduled for May 12-14, 2015, is hereby **CANCELED**.

**IT IS SO ORDERED.**

CHRISTINE L. KIRBY  
Administrative Law Judge