



Issue Date: 21 January 2015

Case Number: 2014-FRS-00165

In the Matter of

KIRK LAGER
Complainant

v.

CHICAGO CENTRAL & PACIFIC RAILWAY
Respondent

**ORDER CANCELLING HEARING, APPROVING WITHDRAWAL
OF COMPLAINT AND DISMISSAL OF CASE**

This proceeding arises under the employee protection provisions of the Federal Rail Safety Act of 2007 (“FRSA”), Title 49 United States Code § 20109, and the regulations promulgated thereunder at 29 C.F.R. Part 1982, and is currently scheduled for hearing on May 19, 2015 in Des Moines, Iowa. On January 16, 2015, Employer’s counsel submitted a letter “on behalf of the parties” in which he states that, at Complainant’s December 11, 2014 deposition, Mr. Lager, represented by counsel, “expressed a desire to discontinue this action and to withdraw his complaint.”¹ No final decision has been issued in the matter. As such, upon review of the entire record, and for good cause shown, Complaint’s request to withdraw his April 16, 2014 complaint, currently pending before the Office of Administrative Law Judges, is hereby GRANTED. Accordingly,

IT IS HEREBY ORDERED that the hearing in the instant case scheduled for May 19, 2015 in Des Moines, Iowa be, and is hereby, CANCELLED; and

Consistent with the regulations, the above captioned matter is hereby DISMISSED with prejudice without costs awarded to either party.

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge

¹ In support of its request, Employer attached a portion of the deposition in which Complainant unequivocally states his desire to withdraw his complaint, that he has had the opportunity to discuss his desire with his counsel, and acknowledges that withdrawal of the complaint would result in dismissal of the case and that this decision was made freely and voluntarily.