

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 20 July 2015

CASE NO.: 2015-FRS-00014

In the Matter Of:

LISA M. GAGLIARDI,
Complainant,

v.

METRO-NORTH COMMUTER RAILROAD CO.
Respondent.

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“the FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the “9/11 Act”), Pub. L. 110-53, 121 Stat 266 (Aug. 3, 2007). On October 22, 2014, the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”), acting as agent for the Secretary of Labor (“Secretary”), issued a letter dismissing the Complainant’s complaint. By letter dated November 18, 2014, the Complainant objected to the Secretary’s findings and requested a *de novo* hearing before an administrative law judge. On June 12, 2015, the Complainant filed a motion to withdraw her objections and request for hearing and seeks dismissal of the instant Complaint.

Pursuant to 29 C.F.R. § 1982.111 (c), a party may withdraw their objections to the findings or preliminary order any time before the findings or order become final. If the withdrawal is resulting from a settlement, the settlement must be approved pursuant to the regulations. *Id.* On July 13, 2015, I conducted a telephone conference on-the-record with the parties to determine the reason for the motion. Complainant indicated that she no longer had the resources to obtain new counsel and continue pursuing the Complaint. Upon consideration of

the procedural history and statements of the Complainant, I find good cause to grant the motion. Accordingly, the motion is GRANTED and it is ORDERED that the Complaint is **DISMISSED**.

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts