



Issue Date: 25 March 2016

Case No.: 2015-FRS-00054

In the Matter of:

ALEX RODGERS, JR.,
Complainant,

v.

SOO LINE RAILROAD COMPANY
d/b/a CANADIAN PACIFIC,
Respondent.

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

This matter arises under the employee protection provisions of the Federal Rail Safety Act, 49 U.S.C. § 20109 (“FRSA”), as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (Aug. 3, 2007), and Section 419 of the Rail Safety Improvement Act of 2008, Pub. L. No. 110-432 (October 16, 2008), and the FRSA regulations issued at 29 C.F.R. Part 1982. The case is currently set for hearing on July 12, 2016, in Minneapolis, Minnesota.

Complainant’s counsel submitted a document dated March 4, 2016, titled *Complainant’s Withdrawal of the Objections and Request for Hearing and Request for Hearing and Request of Withdrawal and Dismissal with Prejudice*, stating in pertinent part:

Complainant [by and through counsel] pursuant to 29 C.F.R § 1982.111(c) hereby submits this Withdrawal of the ‘objections and Request for Hearing’ dated June 30, 2015 and hereby requests that the above matter be dismissed in its entirety with prejudice and without costs, disbursements or attorneys’ fees to any party.

No final decision has been issued in this matter. Accordingly, upon review of the record, and for good cause shown, Complainant’s request to withdraw his June 30, 2015 complaint filed with the Occupational Safety and Health Administration, currently pending before the Office of Administrative Law Judges, is granted.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that the hearing in the above-captioned case is **CANCELLED. IT IS FURTHER ORDERED** that the above-captioned matter is **DISMISSED** with prejudice without costs awarded to either party.

LARRY S. MERCK
Administrative Law Judge