



Issue Date: 02 November 2015

Case No.: 2015-FRS-65

In the Matter of:

JERMAINE TUCKER,
Complainant,

v.

UNION PACIFIC RAILROAD,
Employer.

**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 February 3, 2016, in Memphis, Tennessee.

On October 5, 2015, I had a conference call with Employer’s Counsel, Fred Wilson and Pro Se Claimant, Jermaine Tucker. On the call, Complainant requested to withdraw his whistleblower case against Union Pacific Railroad. On November 2, 2015, Complainant submitted a letter stating that “will not pursue my whistle blower case against Union Pacific Railroad.” No final decision has been issued in the matter. As such, upon review of the entire record, and for good cause shown, Complainant’s request to withdraw his 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 February 3, 2016, in Memphis, Tennessee, is **CANCELLED**; and

IT IS FURTHER ORDERED that consistent with the regulations, the above captioned matter is hereby **DISMISSED** with prejudice, without costs awarded to either party.

Steven D. Bell
Administrative Law Judge