



Issue Date: 05 February 2016

Case Number: 2016-FRS-00005

In the Matter of

RAY BURTON
Complainant

v.

UNION PACIFIC RAILROAD COMPANY
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 April 5, 2016 in Little Rock, Arkansas. On February 4, 2016, Complainant’s counsel, Christopher Leach, Esq., submitted a *Notice of Dismissal Without Prejudice* in which he states that Complainant Raymond A. Burton requests to withdraw his complaint. At my request, a member of my staff contacted Respondent’s counsel, Ryan Wilkins, Esq., who indicated he does not oppose. 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 June 23, 2015 complaint filed with the Occupational Safety and Health Administration, 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 April 5, 2016 in Little Rock, Arkansas be, and is hereby, CANCELLED; and

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

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge