



**Issue Date: 25 April 2017**

Case No.: 2016-FRS-00053

*In the Matter of:*

ANTWON ROSS,  
*Complainant,*

v.

CN/ILLINOIS CENTRAL RAILROAD COMPANY and  
JOHN DAY  
*Respondents.*

**ORDER GRANTING PARTIES' JOINT MOTION,  
DISMISSING COMPLAINT AND CANCELLING HEARING**

This proceeding arises from a claim of whistleblower protection under the Federal Railroad Safety Act (FRSA), 49 U.S.C. § 20109. A Complaint was filed in this matter on October 14, 2014. On April 27, 2016, the Occupational Safety and Health Administration issued its finding, and on May 3, 2016 the Complainant requested a hearing before an administrative law judge. By order issued February 6, 2017, this matter was set for hearing on June 6, 2017. On April 10, 2017, the Complainant and the Respondents filed a Joint Motion for Order to Dismiss. The motion indicates that each party shall bear its own costs, fees and expenses and the claim shall be dismissed with prejudice. No objection to the motion has been filed. I find that the motion should be granted.

**IT IS THEREFORE ORDERED**, that this claim is hereby **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs and fees. The hearing setting for June 6, 2017 in Chicago, IL. is hereby **VACATED**.

LARRY A. TEMIN  
ADMINISTRATIVE LAW JUDGE