



Issue Date: 21 December 2016

Case No.: **2016FRS00078**

In the Matter of:

DESMONN SMITH,
Complainant

v.

CSX RAILWAY CO.,
Respondent

ORDER DISMISSING COMPLAINT

This claim arises from a claim of whistleblower protection under the Federal Rail Safety Act (FRSA), as amended.¹ On November 15, 2016, the Complainant filed a motion to withdraw his complaint, representing that the parties have reached a settlement in his related claim under the Federal Employers' Liability Act (FELA).² The FELA settlement requires that all claims of all types be dismissed and resolved, including the FRSA claim before me. Being duly advised, I find that the request should be GRANTED, and the claim should be DISMISSED.

IT IS THEREFORE ORDERED that this claim is dismissed.

Alice M. Craft
Administrative Law Judge

¹ 49 U.S.C. § 20109 (2015).

² 45 U.S.C. § 51 *et seq.* (2015).