



**Issue Date: 01 May 2018**

Case No.: 2017-FRS-00072

*In the Matter of:*

DENNIS COATES,  
*Complainant,*

v.

GRAND TRUNK WESTERN  
RAILROAD COMPANY,  
*Respondent.*

**ORDER GRANTING MOTION TO WITHDRAW  
COMPLAINT AND CANCELLING HEARING**

This proceeding arises from a claim for whistleblower protection under the Federal Railroad Safety Act (“FRSA”), 49 U.S.C. § 20109, as amended, and is brought by Dennis Coates (“Complainant”) against Grand Trunk Western Railroad Company (“Respondent”). This case is scheduled for hearing on May 22, 2018. The Complainant filed a Complaint with the Occupational Safety and Health Administration (OSHA) on May 26, 2016. On June 9, 2017, OSHA issued its Findings and dismissed the Complaint. The Complainant filed his objections to the Findings and a request for hearing on June 20, 2017.

On April 16, 2018, the Complainant filed a Motion to Withdraw Complaint. The Employer filed a response on April 24, 2018, stating that it has no objection to the Complainant’s motion. The Complainant’s motion states that the Complainant has extensively conferred with counsel and that counsel concurs in the decision to withdraw the Complaint. The Complainant requests that the withdrawal be granted pursuant to 29 C.F.R. § 1982.111(c). Section 1982.111(c) provides that at any time before the Assistant Secretary’s findings become final, a party may withdraw its objections to such findings by filing a written withdrawal with the administrative law judge.

I interpret the Complainant's request to withdraw his Complaint as a request to withdraw objections to the Assistant Secretary's findings. In the absence of objection, the Motion to Withdraw Complaint is **GRANTED** and the Complainant's objections to the Assistant Secretary's findings are deemed withdrawn. The hearing scheduled for May 22, 2018 is **CANCELLED**. The Assistant Secretary's findings in this matter are now the final decision in this case. This matter is hereby **DISMISSED**.

**SO ORDERED.**

LARRY A. TEMIN  
ADMINISTRATIVE LAW JUDGE