

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 24 May 2017**

**CASE NO. 2017-FRS-000291**

**IN THE MATTER OF**

**JOSEPH DUHON**

**Complainant**

**v.**

**UNION PACIFIC RAILROAD**

**Respondent**

**ORDER OF DISMISSAL**

This proceeding arises pursuant to a complaint alleging violations under the employee protective provisions of the Federal Rail Safety Act ("FRSA"), 49 U.S.C. § 20109. The Secretary of Labor is empowered to investigate and determine "whistleblower" complaints filed by employees who are allegedly discharged or otherwise discriminated against by Employers with regard to their terms and conditions of employment for taking any action relating to the fulfillment of safety or other requirements established by the above Act.

On 15 May 17, Complainant filed a motion to withdraw his objections to the findings of the Occupational Safety and Health Administration (OSHA) and its decision to dismiss his complaint.

For good cause shown, Complainant's motion is **GRANTED**, the OSHA findings are reinstated, and the complaint is hereby **DISMISSED**.

In view of the foregoing, the hearing scheduled on **3 Oct 17** in **Dallas, Texas** is hereby **CANCELLED**.

**ORDERED** this 24<sup>th</sup> day of May, 2017 at Covington, Louisiana.

**PATRICK M. ROSENOW**  
**Administrative Law Judge**