



Issue Date: 05 June 2018

CASE NO.: 2017-FRS-00062

In the Matter of:

ROBERT E. ESPINOZA,
Complainant,

v.

BNSF RAILWAY COMPANY,
Respondent.

ORDER APPROVING WITHDRAWAL OF OBJECTIONS
AND
ORDER DISMISSING MATTER

This case arises under the employee protection provisions of under the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109, and the implementing regulations found at 29 C.F.R. Part 1982. The matter is not current set for hearing. Complainant is self-represented. Attorneys Keith Goman and Gillian Dale represent Respondent. On June 1, 2018, Complainant filed an unopposed request to withdraw his objections to the findings in this matter pursuant to 29 C.F.R. § 1982.111(c).

I previously held three conference calls with the parties to discuss the case and to allow Complainant time to obtain an attorney. At the most recent call on May 30, 2018, Complainant advised that he had discussed the matter with counsel and wished to withdraw his complaint. Because the call was not recorded, I asked Complainant to submit his request in writing. During the call, Respondent stated it had no opposition to the request. The June 1 letter from Complainant reiterated the same information he stated during the conference call.

“At any time before the Assistant Secretary's findings and/or order become final, a party may withdraw its objections to the Assistant Secretary's findings and/or order by filing a written withdrawal with the ALJ.” 29 C.F.R. § 1982.111(c). “If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary.” *Id.*

Based upon the request, I grant Complainant's motion to withdraw his objections to the Assistant Secretary's findings. Therefore, the Assistant Secretary's Findings issued on April 24, 2017, are the final order of the Secretary. All dates are vacated. The matter is dismissed with prejudice.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge