



Issue Date: 31 July 2018

Case No.: 2017-FRS-00097

In the Matter of:

JUSTIN HAYES,
Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Respondent

ORDER DISMISSING COMPLAINT

This proceeding arises under the employee-protection provisions of the Federal Rail Safety Act, 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-053 (July 25, 2007), and Section 419 of the Rail Safety Improvement Act of 2008, Pub. L. No. 110-432 (Oct. 16, 2008) (“FRSA” or “Act”). The implementing regulations appear at Part 1982 of Title 29 of the Code of Federal Regulations (“C.F.R.”). The FRSA prohibits an employer from discharging, demoting, suspending, reprimanding, or in any other way discriminating against an employee for engaging in certain protected activities.

By e-mail filing dated July 25, 2018, the Complainant filed a Notice of Dismissal with Prejudice, indicating that he no longer wishes to pursue this matter. Review of the file discloses that the Occupational Safety and Health Administration found no reasonable cause to believe that a violation of the FRSA occurred. I find that the Complainant’s request should be **GRANTED**.

Based on the foregoing, it is hereby **ORDERED** that this claim be, and hereby is, **DISMISSED** with prejudice. It is further **ORDERED** that the hearing scheduled for October 10, 2018, in Youngstown, Ohio, is **CANCELLED**.

JOHN P. SELLERS, III
Administrative Law Judge