



Issue Date: 23 January 2019

Case No.: 2017-FRS-00038
OSHA Case No.: 6-0150-17-043

In the Matter of:

MICHAEL JONES AND CALVIN SMITH,
Complainants,

v.

**CANADIAN NATIONAL – ILLINOIS CENTRAL
RAILROAD CO.,**
Respondent.

DECISION AND ORDER OF DISMISSAL

On October 4, 2018, I issued an Order to Show Cause Why This Case Should Not Be Dismissed (the “Order to Show Cause”). In the Order to Show Cause, I stated that more than nine months had passed since I was notified of an impending settlement. I also stated that since the notice of settlement, no party had provided any documents to my office, and that it appeared Complainants had ceased their prosecution of this matter. I informed the parties that absent a timely showing that this matter should not be dismissed, I intended to dismiss the matter without prejudice for lack of prosecution.

As of January 22, 2018, a review of the case file in this matter and the Office of Administrative Law Judges’ Case Tracking System indicates that no party has responded to the Order to Show Cause. Accordingly, the complaint in this matter is **DISMISSED WITHOUT PREJUDICE.**

SO ORDERED.

PAUL R. ALMANZA
Associate Chief Administrative Law Judge