

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 28 February 2017

CASE NO.: 2017-FRS-00010

In the Matter of:

ROBERT LEELING,
Complainant,

vs.

BNSF RAILWAY COMPANY,
Respondent.

ORDER GRANTING WITHDRAWAL OF COMPLAINT
AND DISMISSING CASE

This matter arises under the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109, and the implementing regulations found at 29 C.F.R. Part 1982. A hearing is scheduled to occur on April 26 and 27, 2017, in Portland, Oregon. On October 5, 2016, the Secretary of Labor, acting through OSHA, found there was no reasonable cause to believe that Respondent violated the FRSA, and issued written findings denying the claim. Complainant timely filed this request for hearing on November 4, 2016 (“Complaint”).

On February 13, 2017, pursuant to 29 C.F.R. § 1982.111(c), Complainant submitted a request to withdraw his objections to the Secretary’s findings. “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.” 29 C.F.R. § 1982.111(c).

Complainant served its request to withdraw the complaint on February 9, 2017. No objections were received and there are no other objections pending. Accordingly, Complainant’s motion is granted. The complaint is withdrawn and dismissed. The October 5, 2016, findings by OSHA acting on behalf of the Secretary of Labor are the final order of the Secretary. All dates are vacated. This matter is closed.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge