



Issue Date: 15 November 2017

CASE NO.: 2017-FRS-00059

In the Matter of:

TODD MICHEL,
Complainant,

vs.

BNSF RAILWAY COMPANY,
Respondent.

ORDER DISMISSING CASE

This case arises under the whistleblower protection provisions of the Federal Railroad Safety Act, 49 U.S.C. § 20109. On April 24, 2017, the Regional Supervisory Investigator at the Occupational Safety and Health Administration (“OSHA”) issued Secretary’s Findings dismissing the complaint. This matter was initiated with the Office of Administrative Law Judges (“OALJ”) on May 15, 2017, when Complainant filed objections to the Secretary’s Findings and requested a hearing. It was scheduled for hearing before me on December 12, 2017, in Long Beach, California, but on October 31, 2017, I issued an order vacating the hearing after being informed by Complainant during a conference call that he wished to withdraw his complaint. I informed Complainant that in order to do so, he would have to submit the request in writing and serve it on counsel for the Respondent.

On November 13, 2017, Complainant filed a written request to withdraw his objections and request for a hearing in this case, with a copy to Respondent’s counsel. 29 C.F.R. § 1982.111(c) allows for parties to withdraw their objections to the Secretary’s Findings issued by OSHA while the case is pending before OALJ. If the request is granted, OSHA’s findings become the final order of the Secretary. Claimant’s request to withdraw his objections is GRANTED. It is hereby ORDERED that this case is DISMISSED WITH PREJUDICE. The Secretary’s Findings issued by OSHA shall be the final order of the Secretary in this matter.

JENNIFER GEE
Administrative Law Judge