



**Issue Date: 16 February 2017**

Case No.: 2017-FRS-00009

*In the Matter of:*

WALTER MURRAY,

Complainant,

v.

SOUTH CAROLINA CENTRAL RAILROAD,

Respondent.

**ORDER APPROVING COMPLAINANT'S WITHDRAWAL OF OBJECTIONS  
AND ORDER OF DISMISSAL  
AND ORDER CANCELLING HEARING**

This matter arises under the employee protection provisions of the Federal Rail Safety Act (FRSA), 49 U.S.C. § 20109, and the regulations promulgated thereunder at 29 C.F.R. Part 1982. It is scheduled for formal hearing on April 18-21, 2017, in Columbia, South Carolina.

On February 13, 2017, Complainant's counsel, Howard Spier, submitted a *Notice of Withdrawal* in which he states that Complainant Walter Murray withdraws his objections to the Assistant Secretary's findings in connection with his FRSA whistleblower complaint.

The regulation at 29 C.F.R. § 1982.111(c) provides, in pertinent part:

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.... The ALJ or the ARB, as the case may be, will determine whether to approve the withdrawal of the objections .... **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.**

(emphasis added).

In a telephone call with a member of my staff, Respondent's counsel stated he does not oppose the *Notice of Withdrawal*.

Upon review of the record before me, I **APPROVE** Complainant Walter Murray's withdrawal of his objections to the Assistant Secretary's findings.

In light of the withdrawal of the objections, the hearing scheduled for April 18-21, 2017, in Columbia, South Carolina, is hereby **CANCELLED**.

In view of the foregoing, this case is **DISMISSED** without costs awarded to either party.

**SO ORDERED.**

MONICA MARKLEY  
Administrative Law Judge

Newport News, VA