

**U.S. Department of Labor**

Office of Administrative Law Judges  
90 Seventh Street, Suite 4-800  
San Francisco, CA 94103-1516

(415) 625-2200  
(415) 625-2201 (FAX)



**Issue Date: 15 May 2018**

CASE NO. 2018-FRS-00036

*In the Matter of*

**SCOTT G. BORSHEIM,**  
Complainant,

v.

**BNSF RAILWAY COMPANY,**  
Respondent.

**ORDER OF DISMISSAL**

This case arises under the Federal Rail Safety Act, 49 U.S.C. § 20109, and its implementing regulations, 29 C.F.R. Part 1982. The case is before the undersigned administrative law judge following Complainant's filing of objections (dated February 26, 2018) to "Secretary's Findings," that the Occupational Safety & Health Administration issued on January 31, 2018. The matter is set for a hearing to begin in Seattle, Washington on September 4, 2018.

On May 10, 2018, Complainant filed a written withdrawal of this matter. He states that he has consulted with an attorney and has considered the withdrawal carefully. Under these circumstances,

Complainant's withdrawal is APPROVED. *See* 29 C.F.R. § 1982.111(c). This matter is DISMISSED. OSHA's "Secretary's Findings," issued on January 31, 2018, becomes the final order of the Secretary. *Id.* The hearing set for September 4, 2018, is VACATED.

SO ORDERED.

STEVEN B. BERLIN  
Administrative Law Judge