



Issue Date: 17 June 2020

Case No.: **2019FRS00001**

In the Matter of:
LARRY BARTLETT,
Complainant,

v.

CSX TRANSPORTATION, Inc.
Respondent,

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

This complaint arises under the Federal Rail Safety Act (the “Act” or “FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53. Implementing regulations are found at 29 C.F.R. Part 1982. The case has been assigned to me for Hearing and Decision.

On March 9, 2020, the undersigned received a “Stipulation of Dismissal with Prejudice” from the Parties. Both parties are represented by Counsel who have signed the stipulation. This pleading states that:

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Complainant Larry Bartlett, Jr. and Respondents CSX Transportation, Inc., Carl Walker and Timothy Smith through their respective counsel, hereby stipulate to dismiss the above captioned case with prejudice. Each party shall bear their own attorneys’ fees and costs.

While 29 C.F.R § 18.70(c) of the Office of Administrative Law Judge’s Rules of Practice and Procedure does provide that “A party may move to dismiss part or all of the matter for reasons recognized under controlling law...,” the specific regulations pertaining to FRSA claims only allow for “a party [to] withdraw its objections to the Assistant Secretary’s findings and/or order by filing a written withdrawal with the ALJ” absent the submission and approval of a settlement agreement.

Therefore, the undersigned accepts the parties’ submission as a withdrawal of the parties contest of the Assistant Secretary’s investigatory findings in the instant case. Therefore I find

that the motion should be granted and the matter dismissed with prejudice.

IT IS THEREFORE ORDERED that the motion to withdraw objections to the Assistant Secretaries findings is granted, and the instant Complaint is hereby **DISMISSED WITH PREJUDICE**. Each party shall bear their own attorneys' fees and costs.

PETER B. SILVAIN, JR.
Administrative Law Judge