



**Issue Date: 11 December 2020**

CASE NO. 2020-FRS-00031

In the matter of:

ERIK WINKS,  
Complainant

v.

CSX TRANSPORTATION, INC.,  
Respondent

**ORDER OF DISMISSAL**

A hearing in the above-captioned case was scheduled for November 9, 2020, and continuing as necessary on November 10, 2020. On July 27, 2020, the parties requested a two-week extension, and the undersigned granted the parties until August 10, 2020, to provide their disclosures. On August 10, 2020, Respondent's Counsel submitted a letter indicating its understanding that Complainant would be withdrawing his claim.

On October 27, 2020, the undersigned's staff corresponded with the parties via e-mail requesting a status update on the case, and specifically requesting a relevant motion if the case would not proceed with the scheduled hearing. In response, Complainant's Counsel provided a one sentence e-mail, stating "The complainant has withdrawn his appeal." The undersigned's staff requested Complainant file a formal motion to ensure developing a full and complete record. On October 29, 2020, Complainant's Counsel again responded with a one sentence e-mail, stating "Please allow this email to serve as Complainant's notice of withdrawal of his appeal."

Although the two e-mails sent by Complainant's Counsel did not meet the standards set forth under 29 C.F.R. Part 18, the messages reflected Complainant's intent and appeared consistent with Respondent's understanding of the case status. Accordingly, on October 30, 2020, the undersigned issued an Order to Show Cause affording the parties the opportunity to explain why they hearing should not be canceled, and the case dismissed. Neither party responded to the show cause order.

Based on the foregoing, the complaint in the above-captioned case is **DISMISSED** without prejudice. Any pending motions and all hearing deadlines are moot.

**SO ORDERED.**

SEAN M. RAMALEY  
Administrative Law Judge