

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 13 February 2020

CASE NO.: 2020-FRS-00011

In the Matter of:

JAMES WOOD,
Complainant,

v.

UNION PACIFIC RAILROAD COMPANY,
Respondent.

ORDER OF DISMISSAL

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (“9/11 Act”), Pub. L. No. 110-53, 121 Stat. 266 (Aug. 3, 2007). On October 28, 2019, the Regional Administrator for the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”), acting as agent for the Secretary of Labor (“Secretary”), issued an order dismissing the complaint because it was not filed timely.

On December 23, 2019, the Court issued an *Order to Show Cause Why Case Should Not Be Dismissed for Failure to Timely File a Complaint* (“Order”). Complainant failed to respond to the Order by the Court’s deadline of January 21, 2020. When Complainant again failed to respond to a communication from the Court’s staff, a telephonic hearing was scheduled on the Order to Show Cause.

During the hearing on February 12, 2020, Kory Quandt, Esq., advised the Court that Complainant wished to withdraw his complaint, after reviewing the applicable regulations and timelines. Respondent’s counsel, Sierra Poulson, Esq., had no objection to the claim being withdrawn. Attorney Quandt then filed a *Motion to Withdraw Complaint* (“Motion”) seeking permission to withdraw the claim, and asking the Court to dismiss his case.

After review of the record before me, I find good cause to **GRANT** Complainant’s Motion.

The following is hereby **ORDERED**:

1. Complainant failed to file his complaint in a timely manner in accordance with applicable regulations;

2. The complaint is withdrawn; and
3. This matter is **DISMISSED** with prejudice.

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts