

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 24 February 2020

Case Nos.: 2020-NTS-00002
2020-NTS-00003

In the Matter of:

**CHRISTOPHER CANNON,
AARON KNIGHT**
Complainants

v.

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY (SEPTA)**
Respondent

ORDER APPROVING WITHDRAWAL AND DISMISSING CASE

The above-captioned matter comes before the Office of Administrative Law Judges (“OALJ”) pursuant to National Transit Systems Security Act (“NTSSA”), 6 U.S.C. § 1142, and its implementing regulations found at 29 C.F.R. Part 1982.

Aaron Knight and Christopher Cannon (“Complainants”) filed their complaints against Southeastern Pennsylvania Transportation Authority (“SEPTA” or “Respondent”) with the United States Department of Labor, Office of Safety and Health Administration (“OSHA”) on April 15, 2017, and April 18, 2017, respectively. Complainants alleged that Respondent demoted them in retaliation for engaging in activity protected under the NTSSA.

On September 27, 2019, OSHA determined there was reasonable cause to believe SEPTA violated the NTSSA. Therefore, OSHA ordered SEPTA to comply with certain directives, including paying back pay and expunging Complainants’ personnel records. OALJ received Respondent’s timely challenge to OSHA’s findings and order on October 28, 2019.

In a letter received on February 18, 2020, Respondent requested to withdraw its appeal of OSHA’s findings and indicated it will comply with OSHA’s order. The applicable regulations provide that a party may withdraw its objections to the OSHA’s findings at any time before those findings become final by filing a written withdrawal with the ALJ, and the ALJ will determine

whether to approve the withdrawal of the objections to the Secretary's findings. 29 C.F.R. § 1982.111(c).

Because Respondent is represented by counsel, because Respondent has indicated that it will comply with OSHA's order, and because Complainants have filed no objection to Respondent's request to withdraw its appeal, I **APPROVE** Respondent's withdrawal of his objections. Accordingly, the Findings and Order issued on September 27, 2019, will become the final order of the Secretary in this matter. § 1982.111(c).

Pursuant to § 1982.111(c), and based on my approval of Respondent's request to withdraw its appeal, I hereby **DISMISS** this matter with prejudice. The hearing scheduled for May 7, 2020 is **CANCELED**.

SO ORDERED.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey