



Issue Date: 03 December 2008

Case No.: 2008-STA-0058

In the Matter of:

REGINALD JOHNSON,
Complainant

v.

LACLEDE GAS COMPANY,
Respondent

**RECOMMENDED ORDER APPROVING WITHDRAWAL OF APPEAL
AND DISMISSING CLAIM WITH PREJUDICE**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, as amended, and the implementing regulations at 29 C.F.R. Part 1978 (2006). On November 19, 2008, the Complainant submitted a letter stating that he wishes to withdraw his appeal. On December 2, 2008, the Respondent filed a Stipulation for Dismissal of Case.

Pursuant to 29 C.F.R. § 1978.111(c), a complainant may file a written withdrawal of objections to the Secretary's preliminary findings with an Administrative Law Judge at any time before the findings or order become final. Where a complainant seeks to withdraw his or her complaint, the Complainant's request is construed as a withdrawal of objections to the Secretary's preliminary findings. *Mysinger v. Rent-A-Driver*, 1990-STA-23 (Sec'y Sept. 21, 1990). Being duly advised, I find that the Complainant's request should be granted.

IT IS THEREFORE ORDERED:

1. The Secretary's Findings issued on May 22, 2008, are **REINSTATED**.
3. The above-captioned matter is hereby **DISMISSED** with prejudice, pursuant to 29 C.F.R. § 1978.111(c), with each party to bear its own attorney fees and costs.

A

Alice M. Craft
Administrative Law Judge

NOTICE OF REVIEW: The Administrative Law Judge's Recommended Order Approving Withdrawal of Appeal and Dismissing Claim With Prejudice, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC, 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the Administrative Law Judge's Recommended Order Approving Withdrawal of Appeal and Dismissing Claim With Prejudice, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the Administrative Law Judge's Recommended Order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.