



Issue Date: 02 October 2009

CASE NO.: 2009-STA-00052

In the Matter of:

MARTIN KERCHNER,
Complainant,

v.

**GROCERY HAULERS INCORPORATED,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 863,**
Respondents.

**ORDER GRANTING COMPLAINANT'S MOTION TO
WITHDRAW COMPLAINT AND REQUEST FOR HEARING;
AND RECOMMENDED ORDER DISMISSING COMPLAINT WITH PREJUDICE**

This proceeding arises under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105 ("the Act" hereinafter). Complainant sent correspondence that appeared to request withdrawal of his appeal and request for hearing. By Order issued September 18, 2009, I directed Complainant to clarify his correspondence. On September 29, 2009, Complainant clarified that he wished to withdraw his complaint.

Pursuant to 29 C.F.R. § 1978.11(c), at any time before they become final, Complainant may withdraw his objection to the Secretary's findings upon his complaint by filing a written withdrawal with the Administrative Law Judge. I find it appropriate to **GRANT** Complainant's motion to withdraw his complaint and request for hearing. Accordingly, I recommend that his complaint be **DISMISSED**, with prejudice.

So ORDERED.

A

Janice K. Bullard
Administrative Law Judge

Cherry Hill, New Jersey

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, 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 Objections and Dismissing Claim, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's 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.