

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 20 October 2009**

**CASE NO.: 2009-STA-70**

**IN THE MATTER OF**

**PATRICK NORTON**

**Complainant**

**v.**

**USA TRUCKING**

**Respondent**

**RECOMMENDED ORDER APPROVING WITHDRAWAL OF  
OBJECTIONS AND DISMISSAL OF CLAIM**

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (herein the STAA) and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On October 16, 2009, Complainant filed a request "to drop" his claim against Respondent.

The Rules For Implementing Section 405 of the Surface Transportation Assistance Act of 1982, 29 C.F.R. §1978.111, provide that, "at any time before the findings and order becomes final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge." The judge shall determine whether to affirm any portion of the findings or preliminary order or to approve the withdrawal.

Complainant has submitted such a withdrawal in the form of a request to drop his claim which is hereby construed as a withdrawal of his objections to the Secretary's findings, which is hereby accepted, and, consistent with the regulation, the Complaint is hereby **DISMISSED** with prejudice.

On October 19, 2009, Respondent filed a Motion to Dismiss Complainant's Complaint for failure to comply with the pre-hearing order to file a detailed complaint. In view of Complainant's withdrawal, this motion is moot.

In view of the foregoing, the formal hearing presently scheduled to commence on **December 14, 2009**, in **Oklahoma City, Oklahoma** is **CANCELLED**.

**ORDERED** this 20<sup>th</sup> day of October, 2009, at Covington, Louisiana.

**A**

LEE J. ROMERO, JR.  
Administrative Law Judge

**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, 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.