



Issue Date: 31 March 2011

CASE NO.: 2011-STA-00013

In the Matter of

TIMOTHY LOCKLAR

Complainant

v.

SUNSTATE CARRIERS

Respondent

**FINAL ORDER APPROVING JOINT MOTION FOR WITHDRAWAL OF
COMPLAINT; AND DISMISSING MATTER WITH PREJUDICE**

This matter arises under the “whistleblower” employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982 (the “Act”), as amended, 49 U.S.C. § 31105 (formerly 49 U.S.C. § 2305), and its implementing regulations, 29 C.F.R. Part 1978. The Complainant is not represented by counsel.

By Order dated March 9, 2011, I approved the parties’ settlement agreement, and directed the Complainant to inform me whether he wished to withdraw his complaint. By joint Motion dated March 23, 2011, the parties requested that I accept the Complainant’s withdrawal of his complaint. Attached to the Motion was a statement signed by the Complainant, indicating that he had resolved all issues against the Respondent and wished to withdraw his complaint. In addition, the Complainant stated he no longer wished to pursue this matter.

I GRANT the parties’ joint motion that the Complainant’s complaint be withdrawn. As the complaint is withdrawn, and the Complainant no longer wishes to pursue this matter, this matter is dismissed WITH PREJUDICE.¹

¹ 29 C.F.R. § 1978.110(a) was amended, effective August 31, 2010. Under the amended regulation, administrative law judge decisions are final unless a timely petition for review is filed with the Administrative Review Board and the Board accepts the matter for review. See “Procedures for the Handling of Retaliation Complaints under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982 ” (Interim Final rule), 75 Fed. Reg. 53,544 at 53,557 (Aug. 31, 2010).

SO ORDERED.

A

Adele H. Odegard
Administrative Law Judge

Cherry Hill, New Jersey