In the Matter of:

BRAD WILSON, ARB CASE NO. 10-134
COMPLAINANT, ALJ CASE NO. 2010-FRS-016

v.

NORFOLK SOUTHERN RAILWAY COMPANY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:  Ryan M. Furniss, Esq., Holland Groves Schneller Stolze, St. Louis, Missouri

For the Respondent:  Joseph P. Sirback, Buchanan Ingersoll & Rooney PC, Philadelphia, Pennsylvania

BEFORE: Paul M. Igasaki, Chief Administrative Appeals Judge and Joanne Royce, Administrative Appeals Judge

FINAL DECISION AND ORDER GRANTING MOTION TO WITHDRAW PETITION FOR REVIEW

On July 15, 2010, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order Granting Respondent’s Motion for Summary Decision and Dismissing the Complaint (R. D. & O) in this case arising under the
employee protection provisions of the Federal Rail Safety Act (FRSA).\(^1\) The Complainant filed a petition requesting the Administrative Review Board to review the R. D. & O.\(^2\) and on August 17, 2010, the Board issued a Notice of Appeal and Order Establishing Briefing Schedule.

On August 31, 2010, the Complainant filed a letter with the Board stating, “Please be advised that we are voluntarily withdrawing Complainant’s Petition for Review with the Administrative Review Board in [this case].” The letter further averred that the Complainant’s counsel had spoken with the Respondent’s counsel and they did not have any objections to the withdrawal. Accordingly, we GRANT the Complainant’s motion and DISMISS his appeal. The Administrative Law Judge’s July 15, 2010 R. D. & O. will become the Secretary of Labor’s final decision in this case.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge


\(^2\) Secretary of Labor has delegated to the Administrative Review Board her authority to issue final agency decisions under the FRS. Secretary’s Order No. 1-2010 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 75 Fed. Reg. 3924, § 5(b)(15) (Jan. 15, 2010).