IN THE MATTER OF:

STEPHEN MEEK,   ARB CASE NO. 2021-0063

      COMPLAINANT,   ALJ CASE NO. 2019-FRS-00070

      v.   DATE: September 22, 2021

BNSF RAILWAY COMPANY,

      RESPONDENT.

Appearances:

For the Complainant:
    Carl Kessinger, Esq.; *Holland Law Firm*; Saint Louis, Missouri

For the Respondent:
    Paul S. Balanon, Esq.; *BNSF Railway Company*; Fort Worth, Texas

Before: James D. McGinley, *Chief Administrative Appeals Judge* **and
Thomas H. Burrell,** *Administrative Appeals Judge*

ORDER APPROVING WITHDRAWAL OF RESPONDENT'S PETITION FOR REVIEW AND DISMISSING APPEAL

PER CURIAM. On June 28, 2021, a Department of Labor Administrative Law Judge (ALJ) issued a Decision and Order in this case arising under the employee protection provisions of the Federal Railroad Safety Act (FRSA).[1] On August 30,

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[1]   49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission act of 2007, Pub. Law No. 110-53; 29 C.F.R. Part 1982.

2021, Respondent filed a Petition for Review with the Administrative Review Board (Board) requesting a review of the ALJ's ruling.

On September 21, 2021, the Board received Respondent's Motion to Withdraw Petition for Review. Pursuant to the FRSA regulations, "a party may withdraw its petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB."[2] Accordingly, we **GRANT** Respondent's request to withdraw the Petition for Review and **DISMISS** the appeal.

SO ORDERED.

NOTE: Questions regarding any case pending before the Board should be directed to the Board's staff. Telephone: (202) 693-6200, Facsimile: (202) 693-6220

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[2]   29 C.F.R. §1982.111(c). This provision further states that "[i]f the ARB approves a request to withdraw a petition for review of an ALJ decision, and there are no other pending petitions for review of that decision, the ALJ's decision will become the final order of the Secretary."