



In the Matter of:

KATRINA BROWN,

ARB CASE NO. 2020-0054

COMPLAINANT,

ALJ CASE NO. 2018-SDW-00002

v.

DATE: September 30, 2020

DETROIT PUBLIC SCHOOLS,

RESPONDENT.

Appearances:

*For the Complainant:*

Jerome D. Goldberg, Esq.; *Jerome D. Goldberg, PLLC*; Detroit,  
Michigan

*For the Respondent:*

Rebecca Shaw-Hicks, Esq., Theophilus E. Clemons, Esq., Phyllis  
Hurks-Hill, Esq., and Jenice C. Mitchell Ford, Esq.; *Detroit Public  
Schools Community District Office of General Counsel*; Detroit,  
Michigan

BEFORE: James D. McGinley, *Chief Administrative Appeals Judge*, and  
Heather C. Leslie, *Administrative Appeals Judge*

### ORDER GRANTING MOTION TO WITHDRAW APPEAL

PER CURIAM. The Complainant, Katrina Brown, filed a complaint under the employee protection provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-9 (1994) and the implementing regulations at Title 29, Part 24 (2019), of the Code of Federal Regulations. Brown alleged that Respondent, Detroit Public Schools

Community District (DPS), violated the whistleblower protection provisions of the SDWA when DPS gave her a negative performance evaluation, failed to promote her, transferred her to another school, and took other actions against her in retaliation for reporting the unsafe condition and lack of adequate drinking water at DPS. An Administrative Law Judge (ALJ) held a hearing on the merits. On June 30, 2020, the ALJ found for Complainant and awarded Brown damages and litigation costs and fees.

On July 14, 2020, Brown appealed the ALJ's decision to the Administrative Review Board (the Board). The Secretary of Labor has delegated authority to issue final agency decisions under SDWA to the Board.<sup>1</sup>

On September 25, 2020, Brown filed a Motion to Withdraw Petition for Review. Respondent did not object. There are no other petitions for review in this case pending before the Board. A party may withdraw a petition for review of an ALJ's decision at any time before the Board issues a final decision in the case.<sup>2</sup> If the Board grants a motion to withdraw, the ALJ's decision in the case becomes the final decision of the Secretary of Labor.<sup>3</sup>

We hereby **GRANT** Complainant's Motion to Withdraw Petition for Review.<sup>4</sup>

**SO ORDERED.**

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<sup>1</sup> Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board (Secretary's discretionary review of Board decisions)), 85 Fed. Reg. 13186 (Mar. 6, 2020).

<sup>2</sup> 29 C.F.R. § 24.111(c).

<sup>3</sup> *Id.*

<sup>4</sup> The Board also grants Complainant's September 25, 2020, Motion to Dismiss its earlier and apparently incorrectly filed Motion to Dismiss filed on September 15, 2020.