

Issue Date: 10 June 2011

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

CASE NO.: 2011-FRS-00016

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*In the Matter Of:*

DENNIS COATES,  
*Complainant,*

v.

GRAND TRUNK WESTERN d/b/a  
CANADIAN NATIONAL RAILWAY CO.,  
*Respondent,*

*and,*

U.S. DEPARTMENT OF LABOR  
OFFICE OF SOLICITOR,  
*Party-in-Interest*

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**ORDER APPROVING REQUEST TO WITHDRAW  
OBJECTIONS & CANCELLING HEARING**

This proceeding arises from a complaint of discrimination filed under the Federal Rail Safety Act (“the FRSA”), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (the “9/11 Act”), Pub. L. 110-53, 121 Stat 266 (Aug. 3, 2007). On April 4, 2011, the Area Director of the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”), acting as agent for the Assistant Secretary of Labor (“Assistant Secretary”), issued a letter dismissing Complainant’s complaint alleging violations of the FRSA. By letter dated May 2, 2011, the Complainant objected to the

Assistant Secretary's findings and requested a *de novo* hearing before an administrative law judge. The Hearing is scheduled for June 21, 2011, in Detroit, Michigan.

On June 10, 2011, the Complainant filed a Notice of Voluntary Dismissal with Prejudice. In his Notice, the Complainant states he wishes to withdraw his objections to the Assistant Secretary's finding with prejudice. Having confirmed there is no objection to the Complainant's request, the objections to the Assistant Secretary's findings are **WITHDRAWN** and the finding stated in the letter of April 4, 2011, shall constitute the Secretary's final order in this matter. *See* 29 C.F.R. § 1982.111(c). The hearing scheduled for June 21, 2011 in Detroit, Michigan is **CANCELLED**.

**SO ORDERED.**

**A**

**JONATHAN C. CALIANOS**  
Administrative Law Judge

Boston, Massachusetts