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Issue Date: 22 February 2012

Case No: 2011-FRS-12

In the Matter of:

JOSHUA SIZEMORE,
Complainant,

v.

NORFOLK SOUTHERN
RAILWAY COMPANY,
Respondent.

**ORDER GRANTING AGREED MOTION OF COMPLAINANT JOSHUA SIZEMORE
FOR LEAVE TO WITHDRAW**

WHEREAS Complainant Joshua Sizemore and Respondent Norfolk Southern Railway Company, by their attorneys, have informed the undersigned that they have fully settled and resolved Complainant's claim against Respondent under the Federal Railroad Safety Act, 49 U.S.C. § 20109 (the "FRSA Case"), pursuant to 29 CFR § 1982.111(d)(2) and have submitted a copy of the Settlement and Final Release embodying that settlement;

WHEREAS the terms of the Settlement and Final Release provide that Complainant is to withdraw the FRSA case and to have this matter dismissed forthwith, with each party to bear his/its own attorney's fees, litigation costs, and court costs;

WHEREAS, consistent with his obligations under the terms of the Settlement and Final Release, Complainant has filed an Agreed Motion for Leave to Withdraw the FRSA Case and/or Request for Hearing;

IT IS HEREBY ORDERED:

1. The terms of settlement are fair and reasonable and consistent with the public interest and are hereby approved;
2. The Agreed Motion of Complainant Joshua Sizemore for Leave to Withdraw the FRSA Case and/or Request for Hearing is granted; and

3. This matter is dismissed with each party to bear his/its own attorney's fees, litigation costs, and court costs.

A

MICHAEL P. LESNIAK
Administrative Law Judge