

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 26 September 2012

Case No: 2011-FRS-32

In the Matter of:

STEVEN WINKLER,
Complainant,

v.

BNSF RAILWAY,
Respondent.

ORDER DISMISSING CLAIM

The above-captioned case is before me pending preliminary findings by the Occupational Safety Health Administration (OSHA) in a second Winkler claim. On September 24, 2012, Complainant submitted a letter stating his intent to file an original action in U.S. District Court for both of his claims and requesting to withdraw his claims before the OSHA and the Office of Administrative Law Judges (OALJ). Respondent does not object.

Wherefore, the above considered, Complainant's request is **GRANTED** and the above-captioned case is **WITHDRAWN**.

MICHAEL P. LESNIAK
Administrative Law Judge