



Issue Date: 08 November 2012

CASE NO.: 2012-FRS-61

IN THE MATTER OF

**MARCUS WAYNE HAGGARD,
Complainant**

v.

**UNION PACIFIC RAILROAD COMPANY,
Respondent**

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS
AND DISMISSAL OF COMPLAINT**

This proceeding arises from a claim of whistleblower protection under the Federal Rail Safety Act (FRSA), as amended, 49 U.S.C. § 20109. On July 24, 2012, the Secretary of Labor, acting through her agent, the Regional Administrator for the Occupational Safety and Health Administration, issued the Secretary's Findings containing specific factual findings and legal conclusions which resulted in the dismissal of the complaint in this case. On August 3, 2012, Complainant objected to the Secretary's Findings and requested a hearing before this Office. The formal hearing in this matter is currently scheduled for April 8-9, 2013 in Dallas, Texas.

On November 1, 2012, the Complainant filed a Notice to Withdraw Complainant's Objections to Findings. In this Notice, the Complainant states that he wishes to withdraw his appeal and his objections to the findings which were made on August 3, 2012.

The Procedures for the Handling of Retaliation Complaints Under the Federal Railroad Safety Act, (FRSA), as amended by Section 1521 of the 9/11 Commission Act, 29 C.F.R. § 1982.111, provide that, "at any time before the Assistant Secretary's findings and/or order become final, a party may withdraw its objections to the Assistant Secretary's findings and/or order by filing a written withdrawal with the ALJ" The ALJ will determine whether to approve the withdrawal of the objections or the petition for review.

Complainant has submitted such a withdrawal of his objections to the Secretary's findings, which is hereby accepted and consistent with the regulation, the Complaint is hereby **DISMISSED**, with prejudice, and the formal hearing, previously scheduled is **CANCELLED**.

So ORDERED.

PATRICK M. ROSENOW
Administrative Law Judge