

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 27 January 2015

Case No.: 2013-FRS-00012

In the Matter of:

MATTHEW K. HARBIN,
Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY,
Respondent.

ORDER DISMISSING COMPLAINT

On December 29, 2014, I issued an Order to Show Cause why the complaint should not be dismissed in light of the period of more than two years with no action occurring. By letter dated January 26, 2015 the parties have submitted a stipulation for dismissal. The regulations implementing the Federal Rail Safety Act do not specifically address stipulations for dismissal; however, in light of the parties' agreement, it appears prudent to approve the stipulation rather than proceed to a hearing that neither party wants. Accordingly, IT IS ORDERED that the stipulation for dismissal is approved, and the Complaint herein is DISMISSED WITH PREJUDICE.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge