



Issue Date: 17 June 2014

Case No.: 2013-FRS-00050

In the Matter of:

ROBERT PEACE,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY
COMPANY,

Respondent.

**DECISION AND ORDER
APPROVING COMPLAINANT'S WITHDRAWAL
OF OBJECTIONS
AND
DISMISSING THE COMPLAINT**

This matter arises out of a complaint filed under the employee protection provisions of the Federal Rail Safety Act, 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 ("9/11 Act"), Pub. L. No. 110-53. The Occupational Safety and Health Administration (OSHA) dismissed the complaint, and the Complainant timely filed objections to that dismissal, requesting a hearing before an administrative law judge.

On June 4, 2014, counsel for the Complainant submitted a withdrawal of the claim on behalf of the Complainant.

29 CFR § 1982.111(c) states in part:

(c) 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 or the ARB, as the case may be, will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary.

Accordingly, the Complainant's withdrawal of his objections is **APPROVED**, and the complaint is **DISMISSED WITH PREJUDICE**.

KAK/ecd/mrc

KENNETH A. KRANTZ
Administrative Law Judge