



Issue Date: 15 March 2010

CASE NO.: 2010-STA-17

IN THE MATTER OF

ROBERT NELSON
Complainant

v.

SHAKY TOWN EXPRESS, LLC and
LAWRENCE TRANSPORTATION COMPANY
Respondents

**RECOMMENDED ORDER APPROVING
WITHDRAWAL OF OBJECTIONS AND DISMISSING CLAIM**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982, 49 U.S.C.A. § 31105 and the implementing regulations at 29 C.F.R. Part 1978 (2004). The Complainant has submitted a motion to withdraw his complaint.

Pursuant to 29 C.F.R. § 1978.111(c), a Complainant may file a written withdrawal of objections to the Secretary's preliminary findings with an Administrative Law Judge at any time before the findings or order becomes final. Thus, where a Complainant seeks to withdraw his complaint, the Complainant's request is construed as a withdrawal of objections to the Secretary preliminary findings. *Mysinger v. Rent-A-Drive*, 1990-STA-23 (Sec'y Sept. 21, 1990)

Accordingly, it is hereby **ORDERED** that the hearing on March 31, 2010 is **CANCELED**, the Secretary's findings are reinstated, and the above-captioned matter is hereby dismissed with prejudice as to Respondent Lawrence Transportation Company and without prejudice as to Respondent Shaky Town Express, LLC

So ORDERED this 15th day of March, 2010, at Covington, Louisiana.

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C. RICHARD AVERY
Administrative Law Judge

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence