



**Issue Date: 29 April 2011**

**CASE NO.: 2010-STA-00064**

**IN THE MATTER OF**

**FRED SMITH,  
Complainant**

**v.**

**VISION EXPRESS, INC.,  
Employer**

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

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (herein the STAA) and the regulations promulgated thereunder at 29 C.F.R. Part 1978. On April 28, 2011, Complainant filed an Unopposed Motion to Dismiss Proceeding With Prejudice and Notice of Withdrawing Objections to Secretary's Findings.

The Rules For Implementing Section 405 of the Surface Transportation Assistance Act of 1982, 29 C.F.R. §1978.111, provide that, "at any time before the findings and order becomes final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge." The judge shall determine whether to affirm any portion of the findings or preliminary order or to approve the withdrawal.

Complainant's request is hereby accepted, and, consistent with the regulation, the Complaint is hereby **DISMISSED** with prejudice.

**So ORDERED.**

**A**

**LARRY W. PRICE  
ADMINISTRATIVE LAW JUDGE**