



Issue Date: 23 July 2013

CASE NO.: 2013-STA-49

IN THE MATTER OF

**CARL M. BROWN,
Complainant**

vs.

**RIVEN OAK HEAD START CENTER,
Respondent**

**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. The Secretary of Labor is empowered to investigate and determine “whistleblower” complaints filed by employees of commercial motor carriers who are allegedly discharged or otherwise discriminated against with regard to their terms and conditions of employment because the employee refused to operate a vehicle when such operation would violate a regulation, standard, or order of the United States related to commercial motor vehicles.

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 has submitted such a withdrawal in the form of a request to withdraw his claim that is hereby construed as 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.

In view of the foregoing, the hearing scheduled on **29 Oct 13** in **Jackson, Mississippi** is hereby **CANCELLED**.

So ORDERED.

PATRICK M. ROSENOW
Administrative Law Judge