



Issue Date: 14 July 2014
Case No.: 2013 STA 43

In the Matter of
TED HANSEN,
Complainant

v.

SCHLUMBERGER TECHNOLOGY CORP.,
Respondent

Appearances: Mr. Mr. Ted Hansen, *Pro Se* (representing himself)
For the Complainant

Ms. Stephanie Moll, Attorney
Mr. Michael Jones, Attorney
For the Respondent

Before: Richard T. Stansell-Gamm
Administrative Law Judge

**APPROVAL OF WITHDRAWAL OF OBJECTION &
DISMISSAL OF COMPLAINT**

Pursuant to a Second Continuance Order, dated April 23, 2014, I continued the proceedings for 60 days at Complainant's request due to an upcoming move and another STA complainant pending with the Occupational Safety and Health Administration ("OSHA"). On July 11, 2014, I received a letter from Mr. Hansen indicating that he was "writing to dismiss my appeal" in this case.

Background

On May 10, 2012, Mr. Hansen filed a complaint under Section 405 of the Surface Transportation Assistance Act of 1982 ("STA"), 49 U.S.C. § 31105, alleging the Respondent, Schlumberger Technology Corp., discriminated against him because unlike other drivers he was properly and accurately completing his log book which caused him to work fewer hours and receive less overtime and bonuses, thereby reducing his overall income in comparison to similarly situated drivers. Respondent contested his allegations and asserted Mr. Hansen was incorrectly recording his driving hours, and that he was receiving as many driving hours as permitted under the regulations. On April 12, 2013, while finding Mr. Hansen engaged in a protected activity by refusing to alter his logbook, the OSHA Regional Administrator, acting on behalf of the Assistant Secretary, dismissed his complaint on the basis Mr. Hansen had not suffered an adverse action because he was still a full-time employee, was being afforded driving

hours in compliance with DOT regulations, and had never been disciplined for his logbook practices. On May 3, 2013, through counsel,¹ Mr. Hansen filed a timely objection to the OSHA dismissal of his STA whistleblower complaint.

Discussion

Under 29 C.F.R. § 1978.111(c), at any time before the Assistant Secretary's findings and preliminary order become final, a party may withdraw his objections to the Assistant Secretary's findings and preliminary order by filing a written withdrawal with the administrative law judge. If the withdrawal request is approved, the Assistant's Secretary's findings and preliminary order become the final order of the Secretary.

Expressing profound disappointment with the "complete and utter failure" of investigative and enforcement agencies of the federal, state, and local governments, including OSHA, to fulfill their responsibilities, Mr. Hansen is convinced that continuance of the proceedings will not produce justice since the legal system is "useless." Believing that he has done all he can do, Mr. Hansen is dismissing his appeal.

While I disagree with some of Mr. Hansen's representations, his withdrawal request is clearly voluntary and his unwillingness to further participate in these proceedings is apparent. Consequently, I approve Mr. Hansen's written request to withdraw his objections to the Assistant's Secretary's findings and preliminary order, dismissing his complaint. And, since no other pending objections remain, the Assistant Secretary April 12, 2013 dismissal of Mr. Hansen's May 10, 2012 STA complaint is now the final order of the Secretary.

Order

Mr. Hansen's written request to withdraw his objections to the Assistant Secretary's findings and dismissal of his May 10, 2012 STA complaint is **approved**. Due to the approved withdrawal of his objections, the Assistant Secretary's April 12, 2013 findings and dismissal of Mr. Hansen's STA complaint become the final order of the Secretary. Accordingly, Mr. Hansen's May 10, 2012 STA complaint against the Respondent, Schlumberger Technology Corp., is **dismissed with prejudice**.

SO ORDERED:

Richard T. Stansell-Gamm
Administrative Law Judge

Date Signed: July 11, 2014
Washington, D.C.

¹Counsel subsequently withdrew.