

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 26 June 2014**

**Case Number: 2013-STA-00052**

*In the Matter of:*

**ALEX A. HERRITZ,  
Complainant,**

**v.**

**UNIVERSAL AM-CAN LTD.  
MARVIN DEWEY,  
DOUG MOAT,  
Respondents.**

Appearances: Paul O. Taylor, Esq.  
Burnsville, Minnesota  
For the Complainant

Peter H. Carlson, Esq.  
Chicago, Illinois  
For the Respondent

Before: Stephen R. Henley  
Administrative Law Judge

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

This proceeding arises under the Surface Transportation Assistance Act of 1982 ("STAA"), 49 U.S.C. § 31105, and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On June 29, 2012, Complainant timely filed a complaint with the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) alleging Respondents violated the STAA's employee protection provisions when it terminated his employment on March 13,

2012 in retaliation for refusing to operate a vehicle. After conducting an investigation, the OSHA's Regional Administrator issued a final determination letter on June 26, 2013. Concluding that Complainant failed to establish that his protected activity was a contributing factor in Respondent's decision to terminate his employment, OSHA dismissed the complaint. On June 26, 2013, Complainant timely filed objections to the *Secretary's Findings* with the Office of Administrative Law Judges. On June 17, 2014, Complainant filed a "Withdrawal of Objections and Motion to Dismiss Proceeding and Complaint." To date, Respondent has not filed a response.

The rules governing withdrawal of STAA complaints provide that "at any time before the ... findings and preliminary order become final, a party may withdraw its objections to the ... findings and/or preliminary order by filing a written withdrawal with the administrative law judge,"<sup>1</sup> who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal.

As no final decision has been issued in this matter, Complainant's request for withdrawal of objections is hereby accepted. Consistent with the regulations, the Secretary's findings are affirmed in their entirety and the above captioned matter is hereby dismissed with prejudice without costs awarded to either party.

SO ORDERED:

STEPHEN R. HENLEY  
Administrative Law Judge

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<sup>1</sup> 29 C.F.R. § 1978.111(c).