



Issue Date: 01 May 2014

Case No.: 2013-STA-00055

In the Matter of:

JARED MURPHY,

Complainant,

v.

DARA TRANSPORTING, INC.,

Respondent.

**ORDER APPROVING
COMPLAINANT'S WITHDRAWAL OF OBJECTIONS
AND
DISMISSING THE CLAIM**

This action arises under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act (STAA) of 1982, as amended and re-codified, 49 U.S.C. § 31105, and the corresponding agency regulations, 29 C.F.R. Part 1978.

The Complainant, Mr. Jared Murphy, was employed as a truck driver by the Respondent, Dara Transporting, Inc. His employment was terminated by Dara after he refused to drive a truck with maintenance discrepancies that he believed made it unsafe to drive.. He filed a complaint with the Occupational Safety and Health Administration (OSHA). OSHA investigated the complaint and, on behalf of the Secretary of Labor, issued findings dismissing it. Mr. Murphy filed a timely appeal of the OSHA findings.

On April 25, 2014, Mr. Murphy's attorney sent a letter to this office withdrawing the objections to the findings and order issued by OSHA, and moving to dismiss this proceeding.

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," who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. *See* 29 C.F.R. § 1978.111(c).

No final decision has been issued in the matter. As such, upon review of the entire record, and for good cause shown, Complainant's request to withdraw his objections is hereby **GRANTED**. The hearing scheduled for **May 13, 2014 in Delray Beach, Florida is hereby**

CANCELED. Consistent with the regulations, the Secretary's findings are affirmed in their entirety and the above captioned matter is hereby **DISMISSED** without costs awarded to either party.

KENNETH A. KRANTZ
Administrative Law Judge

KAK/mrc
Newport News, Virginia