

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 28 March 2014**

Case No.: 2013-STA-00033

In the Matter of:

WILLIAM F. REID,

Complainant,

v.

REPUBLIC ENVIRONMENTAL SYSTEMS, INC.,

Respondent.

**ORDER GRANTING COMPLAINANT'S REQUEST  
TO DISMISS WITH PREJUDICE**

This case is before the undersigned Administrative Law Judge pursuant to the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 USC § 31105, as amended. Federal Regulations set forth in 29 CFR Part 1978 and 20 CFR Part 18 apply to this case.

The Complainant filed a complaint on June 26, 2012, alleging that the Respondent retaliated against him in violation of the STAA by terminating his employment on December 29, 2012. The complaint was investigated and on February 20, 2013, the Area Director, OSHA, Atlanta Area Office, dismissed the complaint when he issued the Secretary Findings that "there is no reasonable cause to believe that Respondent violated 49 U.S.C. §31105." On March 25, 2013, the Complainant filed objections to the Secretary's decision and requested a hearing before an Administrative Law Judge.

On March 20, 2014, Claimant's counsel filed notice that "On behalf of our client [the Complainant] we hereby dismiss, with prejudice, the Objections to Finding for the case referenced above. The parties have reached a resolution of this matter."

It is specifically noted that no settlement agreement was submitted for review and approval pursuant to 29 CFR §1978.111(d)(2). Therefore the enforcement provisions of 29 CFR §1978.111(e) do not apply in this case.

After deliberation on the administrative record, this Administrative Law Judge finds that the Complainant has made a voluntary, knowing, and intelligent waiver of his right to formal hearing and request to withdraw his appeal for a formal hearing and dismiss his complaint with prejudice. The interest of justice under the STAA is best served by granting the joint request to dismiss the complaint with prejudice pursuant to 29 CFR §1978.111(c) and thereby making the Area Director, Occupational Safety and Health Administration, Atlanta Area Office, determination of February 20, 2013, the final determination of the Secretary.

### **ORDER**

It is hereby **ORDERED** that –

1. **Complainant's cause of action is DISMISSED**, pursuant to 29 CFR §1978.111(c), and;
2. **The Area Director, Occupational Safety and Health Administration, Raleigh Area Office, determination of February 20, 2013, is affirmed as the final determination of the Secretary.**

ALAN L. BERGSTROM  
Administrative Law Judge

ALB/jcb  
Newport News, Virginia