



**Issue Date: 20 August 2014**

**Case Number: 2014-STA-00052**

*In the Matter of:*

**PHILIP ASHLEY**  
**Complainant,**

**v.**

**BLUE NORTHERN DISTRIBUTION LLC**  
**Respondent**

**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 March 18, 2014, Complainant filed a timely complaint with the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) alleging his former employer, Blue Northern Distribution, LLC., violated the STAA’s employee protection provisions when it terminated his employment in retaliation for reporting unsafe working conditions. After conducting an investigation, the OSHA’s Regional Administrator issued a final determination letter on May 9, 2014. Concluding the evidence showed Complainant resigned, OSHA dismissed the complaint, finding no reasonable cause to believe Respondent violated the STAA. By letter dated June 5, 2014, and received this office on June 11, 2014, Complainant timely filed objections to the *Secretary’s Findings and Order* dismissing the claim. By notice issued June 16, 2014, this matter is currently scheduled for formal hearing on September 11, 2014 in St. Paul, Minnesota.

On August 18, 2013, Complainant’s counsel filed *Complainant’s Withdrawal of Objections and Motion to Dismiss Proceedings* in which he states that Complainant “withdraws his objections to the Assistant Secretary’s Findings and Order dated May 9, 2014 and moves this Court to dismiss this proceeding and Complainant’s complaint” against Respondent. On August 20, 2014, a member of my staff contacted Respondent, who indicated it does not oppose the motion.

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.

No final decision has been issued in the matter. As such, upon review of the entire record, and for good cause shown, said request to withdraw is hereby GRANTED. Accordingly,

**Order**

IT IS HEREBY ORDERED that the hearing in the instant case scheduled for September 11, 2014 in St. Paul, Minnesota be, and is hereby, CANCELLED.

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).