

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 30 June 2014

ALJ NO.: 2014-STA-00035

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MICHAEL P. HERSHEY,  
*Complainant,*

v.

LOU'S TRANSPORT, INC.,  
*Respondent.*

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**ORDER DISMISSING CLAIM AND CANCELLING HEARING**

This proceeding arises from a complaint of discrimination filed under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act ("STAA"), as amended, 49 U.S.C. § 31105 and the procedural regulations found at 29 C.F.R. Part 1978.

On April 24, 2014, I issued a Preliminary Order advising the parties of a July 8, 2014 trial date and as well as a conference call to discuss general procedural matters. On May 19, 2014, I issued a Pre-Hearing Order outlining the applicable rules of procedure and setting discovery deadlines. On June 23, 2014, I received Claimant's Request for Dismissal. Claimant indicates it is his wish to withdraw his claim against Lou's Transport. On June 25, 2014, I received Respondent's Motion to Dismiss.

After a follow-up phone call to my Attorney Advisor, initiated by the Claimant, as well as a series of email messages, I am satisfied Claimant, who is acting *pro se*, is fully aware of the repercussions of his Request for Dismissal and is acting of his own accord. I thereby GRANT Claimant's Request for Dismissal. As such, Respondent's Motion to Dismiss is moot.

Therefore, Claimant Michael Hershey's claim is **DISMISSED** with prejudice and the scheduled hearing is **CANCELLED**.

**SO ORDERED.**

**TIMOTHY J. McGRATH**  
Administrative Law Judge

Boston, Massachusetts