

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

Issue Date: 19 December 2014

ALJ NO.: 2014-STA-00070

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*In the Matter of:*

LISA A. MURK,  
*Complainant*

v.

FIRST STUDENT, INC.,  
*Respondent*

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**ORDER OF DISMISSAL**

This proceeding arises from a complaint of discrimination filed under employee protection provisions of Section 405 of the Surface Transportation Assistance Act (“STAA”), as amended, 49 U.S.C.A. § 31105 (West 2008) and the procedural regulations found at 29 C.F.R. Part 1978 (2012). On July 9, 2014, the Regional Administrator for the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”), acting as agent for the Secretary of Labor (“Secretary”), issued a preliminary order dismissing the complaint. On July 22, 2014, the Complainant filed an Objection to the Secretary’s preliminary dismissal order, and she requested that the case be assigned to an administrative law judge (“ALJ”) for hearing pursuant to 29 C.F.R. § 1978.106.

On August 1, 2014, I issued a Notice of Assignment and Hearing and Pre-Hearing Order, setting the formal hearing for October 16, 2014, in Boston, Massachusetts. During a conference call held with the parties on September 26, 2014, the Complainant, acting as a *pro se* litigant, indicated that she was considering obtaining counsel, and requested the hearing be continued to January as she had ongoing personal issues and also needed time to search for counsel. 9/26/14 Conf. Call Tr. at 5. Accordingly, on September 26, 2014, I issued an Amended Notice of Hearing and Pre-Hearing Order, continuing the hearing until January 14, 2015.<sup>1</sup>

On December 17, 2014, the Complainant filed with the undersigned a letter requesting to withdraw and close her claim “due to being overwhelmed with extenuating circumstances at home in addition to not being employed.” A conference call was held with the parties on

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<sup>1</sup> On December 2, 2014, the Respondent filed a Motion for Summary Decision, and the Complainant has not filed a response to the motion.

December 19, 2014, during with the Complainant confirmed that she no longer wished to proceed with her claim. Accordingly, based on the Complainant's representations made in her December 17, 2014 letter and during the December 19, 2014 conference call, this matter is hereby **DISMISSED** with prejudice.

**SO ORDERED.**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts