



Issue Date: 10 January 2017

CASE NO.: 2016-STA-00048

In the Matter of:

TROY TAYLOR,
Complainant,

v.

BUTLER EXPRESS CORP. and
ZYDRUNAS MICKEVICIUS,
Respondents.

**ORDER GRANTING MOTION TO WITHDRAW OBJECTIONS and ORDER OF
DISMISSAL**

This matter is scheduled for hearing on February 2, 2017 in Chicago, Illinois. On January 5, 2017, Complainant filed a Notice of Withdrawal of Objections to Assistant Secretary's Findings and Order, and Motion to Dismiss Proceeding. Although the time has not passed for Respondents to respond to that filing, Respondents have previously requested dismissal.

The regulations implementing the Surface Transportation Assistance Act's employee-protection provisions provide:

At any time before the Assistant Secretary's findings and/or preliminary order become final, a party may withdraw objections to the Assistant Secretary's findings and/or preliminary order by filing a written withdrawal with the ALJ... The ALJ ... will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary....

29 C.F.R. § 1978.111(c).

Complainant's Notice of Withdrawal satisfies the requirement for a written request to withdraw objections. The grounds for withdrawal are that Respondents are insolvent,

and Butler Express Corporation is out of business, so that any award “is likely to be uncollectable.” That representation, from experienced counsel and supported by other evidence in the file, is accepted. I find that Complainant has a valid reason to withdraw his objections to the Assistant Secretary’s findings; it would make little sense to force Complainant to expend time and energy on a case that will ultimately provide no relief. His request will therefore be approved, and by operation of law, the May 4, 2016 Secretary’s Findings will become the final order in this matter.

Based on the foregoing, IT IS ORDERED:

1. Complainant’s request to withdraw his objections to the Secretary’s Findings is GRANTED;
2. The Secretary’s Findings issued on May 4, 2016 become the final order on the complaint filed herein;
3. This matter is DISMISSED; and
4. The hearing scheduled for February 2, 2017 is CANCELED.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge

PCJ, Jr./ksw
Newport New, Virginia