



Issue Date: 08 August 2017

Case Number: 2017-STA-00052

In the Matter of:

**JO LYNN GARLAND
Complainant,**

v.

**PRODUCTION DOWNHOLE SERVICES, INC.
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 or about February 26, 2017, Complainant filed a complaint with the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) alleging her former employer, Production Downhole Services, Inc., violated the STAA’s employee protection provisions when it terminated her employment in reprisal for refusing to falsify permits and other documentation. After conducting an investigation, the OSHA’s Regional Administrator issued a final determination letter on March 30, 2017, finding no violation of the Act and dismissed the complaint. By letter dated April 28, 2017, Complainant filed objections and requested a hearing before an administrative law judge. This matter is currently scheduled for formal hearing on November 7, 2017 in Lubbock, Texas.

On July 31, 2017, Complainant’s counsel filed a *Joint Motion To Dismiss With Prejudice*, which states that “the Parties request this Court to dismiss this action with prejudice.” The motion is signed by counsel for Complainant and counsel for Respondent.

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,”¹ 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. Treating the joint motion as a request to withdraw the complaint, 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 November 7, 2017 in Lubbock, Texas be, and is hereby, CANCELLED.

Consistent with the regulations, the above captioned matter is hereby DISMISSED with prejudice without costs awarded to either party.

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge

¹ 29 C.F.R. § 1978.111(c).