



Issue Date: 30 October 2018

OALJ Case No.: 2017-STA-00059

In the Matter of

JOHN S. HIRSCHBERG SR.,
Complainant,

v.

HEARTLAND EXPRESS, INC. OF IOWA,
Respondent.

ORDER OF DISMISSAL

This proceeding arises under Section 405 of the Surface Transportation Assistance Act of 1982 (hereinafter "STAA"), 49 U.S.C. § 31105 (formerly 49 U.S.C. App. § 2305); 29 C.F.R. Part 1978, implementing regulations found at 29 C.F.R. Part 24; and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges found at 29 C.F.R. Part 18. 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. 29 C.F.R. 1978.111(c).

On April 22, 2016, Mr. John S. Hirschberg Sr. ("Complainant") filed a *Notice of Whistleblower Complaint* with the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA") against Heartland Express, Inc. of Iowa, ("Respondents"). On May 12, 2017, OSHA issued its investigation report in the above captioned matter. In brief, OSHA found no reasonable cause to believe Respondent violated 49 U.S.C. § 20109. After the OSHA investigation, Complainant filed a request for a *de novo* hearing in this matter on June 6, 2017.

On August 13, 2018, Complainant requested to withdraw the claim in this matter stating, "I have decided not to pursue case number 2017-STA-00059 due to time constraints set by my current employment. Neither do I have the financial means to employ an attorney to pursue this case for me."

In light of the foregoing, it is hereby **ORDERED** that the withdrawal of objections in this matter is **APPROVED** pursuant to 29 C.F.R. 1978.111(c).

SO ORDERED.

WILLIAM S. COLWELL

Associate Chief Administrative Law Judge

Washington, D.C.

WSC/dce