



Issue Date: 08 November 2018

CASE NO.: 2018-STA-00073

In the Matter of:

MARK JOHNSON,
Complainant

v.

FEDEX GROUND TRANSPORT, INC.,
OSD TRANSPORT, INC., and
GRACE TRUCKING, INC.
Respondents

**ORDER GRANTING COMPLAINANT'S MOTION TO
DISMISS COMPLAINT WITH PREJUDICE AND ORDER CANCELLING HEARING**

A hearing under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, *et seq.*, (the "Act") and the implementing regulations at 29 C.F.R. Part 1978, in the above-captioned claim, is currently scheduled for January 14, 2019 in St. Paul, Minnesota. On November 2, 2018, the undersigned received Complainant's Motion to Dismiss Complaint with Prejudice. In Complainant's motion, counsel requests that this Court dismiss with prejudice the complaint against Respondents Grace Trucking, Inc., FedEx Ground Transport, Inc., and OSD Trucking, Inc., filed with the Occupational Safety and Health Organization (OSHA) on April 24, 2018.

Complainant's counsel advises that Complainant *does not* withdraw or seek to dismiss his complaint against Respondents FedEx Ground Transport, Inc. and OSD Transport, Inc., filed with the OSHA on May 18, 2017, which is captioned at OALJ Case No. 2018-STA-00028.

Based on the foregoing:

1. The January 14, 2019 hearing scheduled under OALJ Case No. 2018-STA-00073 is CANCELLED;
2. The complaint filed with OSHA on April 24, 2018 is dismissed with prejudice; and

3. The hearing scheduled for OALJ Case No. 2018-STA-00028, currently scheduled for January 14, 2019 in St. Paul, Minnesota, will proceed as scheduled.

IT IS SO ORDERED.

DREW A. SWANK
Administrative Law Judge