



Issue Date: 01 February 2019

CASE NO.: 2018-STA-00079

In the Matter of:

TRACY R. KINSER,
Complainant,

v.

HOBBY LOBBY STORES, INC.,
Respondent.

ORDER GRANTING REQUEST TO WITHDRAW COMPLAINT

This matter arises under the employee-protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, as amended (“STAA”). It is governed by the implementing regulations found at 29 C.F.R. Part 1978. The case was docketed in the Office of Administrative Law Judges August 23, 2018.

On January 29, 2019, Complainant Tracy R. Kinser advised that he would like to withdraw his objections to the findings of the Assistant Secretary, because he must devote his attention to recovering from hurricane damage and is not able “in any way to move forward in this case and afford any attorney.”

Under 29 C.F.R. § 1978.111(c), a complainant may withdraw an objection to the Secretary’s Findings at any time before they become final. When the case is pending before an administrative law judge, the withdrawal must be approved by the presiding judge. Upon due consideration of the Complainant’s request and the reasons therefor, his request will be approved. Under the regulation, the Secretary’s Findings become the final order of the Secretary.

ORDER

Based on the foregoing, IT IS ORDERED:

1. Complainant’s request to withdraw his objections to the Secretary’s Findings is GRANTED;

2. This matter is DISMISSED; and
3. The Secretary's Findings dated July 27, 2018 are the final order of the Secretary.

SO ORDERED.

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

PCJ,Jr./ksw
Newport News, Virginia