

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Cincinnati, Ohio 45202
513-684-3252 Office

Issue Date: 21 August 2023

CASE NO.: 2022-STA-00017
OSHA NO.: 8-5610-21-016

In the Matter of:

DERICK GIFFORD,
Complainant,

v.

DAVID TRUCKING, LLC,
Respondent.

ORDER GRANTING WITHDRAWAL OF COMPLAINANT’S OBJECTIONS AND DISMISSING COMPLAINT¹

This matter arises from a Complaint filed June 18, 2021, by Derick Gifford (the “Complainant”) against David Trucking, LLC (the “Respondent”), under the employee-protection provisions of the Surface Transportation Assistance Act of 1982 (“STAA”), 49 U.S.C. § 31105, and the regulations promulgated at 29 C.F.R. Part 1978.

On January 6, 2022, the Secretary issued preliminary findings, holding there was insufficient evidence to establish employer knowledge of any protected activity under the STAA, and the complaint was dismissed. Thereafter the Complainant timely requested an appeal to this Office.

On July 10, 2023, the Complainant sent an e-mail to this Office stating that he wished to drop or dismiss his complaint.

On August 2, 2023, I issued an Order of Reassignment, Order of Ex Parte Communication and Order to Show Cause. In my Order, I notified the parties that I was construing the Complainant’s request as a request to “drop” or “dismiss” this claim as a motion to withdraw his objections to the Secretary’s preliminary findings pursuant to 29 C.F.R. § 1978.111(c). I

¹ This Order has been formatted to substantially comply with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended (“Section 508”). Section 508 requires electronic and information technology procured, developed, maintained, and used by Federal departments and agencies to be accessible to and usable by people with disabilities, unless an exception applies.

provided the parties with fourteen (14) days to show cause why the Secretary's preliminary findings should not be affirmed and become final.

The Respondent filed a response to my Order on August 11, 2023, stating that it had no objections to the withdrawal of the Complainant's objections to the preliminary findings. No further correspondence from the Complainant has been received.

As no final decision has been issued in this matter, pursuant to 29 C.F.R. § 1987.111(c), I formally **GRANT** the Complainant's request to withdraw his objections to OSHA's findings. Consistent with the regulations, the January 6, 2022, preliminary findings becomes the final order of the Secretary of Labor. The above-captioned matter is hereby **DISMISSED**.

SO ORDERED.

JOHN P. SELLERS, III
ADMINISTRATIVE LAW JUDGE