

**UNITED STATES DEPARTMENT OF LABOR**  
**OFFICE OF ADMINISTRATIVE LAW JUDGES**  
**Washington, DC**

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**Issue Date: 20 December 2023**

**OALJ Case No: 2024-STA-00013**  
**OSHA Case No.: 301012001**

*In the Matter of:*

**LAWANDA WESTERN,**  
*Complainant,*

v.

**UPS,**  
*Respondent.*

**ORDER GRANTING MOTION TO WITHDRAW**  
**REQUEST FOR HEARING**

On or about February 14, 2023, Complainant filed a complaint with the Department of Labor’s Occupational Safety and Health Administration (“OSHA”) alleging Respondent terminated her employment or about October 28, 2022 after voicing safety concerns and filing a previous whistleblower complaint,<sup>1</sup> acts she alleged violated 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. OSHA dismissed the complaint by letter dated September 25, 2023.

Complainant, representing herself, appealed the dismissal and the Office of Administrative Law Judges (“OALJ”) docketed the case on October 18, 2023. It is not yet scheduled for hearing.

On December 19, 2023, Complainant emailed the tribunal moving to withdraw her request for a hearing, advising “that I don’t have the resources to continue and do not want to wish to pursue at this time (sic). Thank you again.” At my request, a member of my staff contacted counsel for the Employer, who does not object to Complainant’s motion.

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<sup>1</sup> OSHA Case No. 5-1260-22-135

## Discussion

The rules governing withdrawal of STAA complaints provide that “[a]t any time before the . . . findings and/or 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, who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. 29 C.F.R. § 1978.111(c).

As no final decision has been issued in this matter, Complainant’s December 19, 2023 request to withdraw her objections to OSHA’s dismissal of her February 14, 2023 complaint is GRANTED. Consistent with the regulations, the September 25, 2023 Findings Determination becomes the final order of the Secretary of Labor. The above-captioned matter is hereby DISMISSED with prejudice.

**SO ORDERED.**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge