

U.S. Department of Labor

Administrative Review Board
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Purcell



IN THE MATTER OF:

SHAUN M. CARR,

ARB CASE NO. 13-052

COMPLAINANT,

ALJ CASE NO. 2012-FRS-014

v.

DATE:

JUN 26 2013

BNSF RAILWAY COMPANY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER DENYING JOINT MOTION TO WITHDRAW

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U.S. DEPT. OF LABOR
ADMIN. LAW JUDGE
WASHINGTON, DC

On June 18, 2013, the Administrative Review Board received the parties' Joint Motion to Withdraw in this case arising under the whistleblower protection provisions of the Federal Rail Safety Act of 1982, 49 U.S.C.A. § 20109 (Thomson/West Supp. 2012) (FRSA). The parties move the Board to exercise the authority granted it by 29 C.F.R. § 1982.111(c) to approve Complainant Carr's request to withdraw his FRSA complaint. The motion does not include any basis for the motion.

The regulation under which the parties have requested withdrawal provides, "If objections or a petition for review are withdrawn because of settlement, the settlement must be submitted for approval in accordance with paragraph (d) of this section." 29 C.F.R. § 1982.111(c). Because the parties have specified no basis for their motion and the Board cannot discern from the parties' motion whether the parties have or intend to resolve the complaint by way of a settlement, we **DENY** the parties' Motion until such time as the parties stipulate to the fact that they have not or do not intend to enter into a settlement to resolve the Complainant's complaint or the parties provide the Board with a copy of a settlement for its review.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

Note: Questions regarding any case pending before the Board should be directed to the Board's paralegal assistants. Telephone: (202) 693-6200, Facsimile: (202) 693-6220.