



IN THE MATTER OF:

JOHN MEYER,

ARB CASE NO. 17-030

COMPLAINANT,

ALJ CASE NO. 2015-FRS-024

DATE: APR - 6 2017

v.

BNSF RAILWAY COMPANY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER GRANTING WITHDRAWAL OF PETITION FOR REVIEW

On March 13, 2017, Respondent BNSF Railway Company filed a petition for review of a Department of Labor Administrative Law Judge's Decision and Order Dismissing Complaint¹ in a case arising under the Federal Railroad Safety Act of 1982 (FRSA).² The Administrative Review Board accepted the petition for review and issued a briefing schedule.³

On April 4, 2017, BNSF filed a Notice of Withdrawal of Petition for Review. If a case is on appeal with the ARB, a party may withdraw the party's petition for review of an ALJ's decision, at any time before that decision becomes final, by filing a written withdrawal with the ARB.⁴ Accordingly, BNSF's appeal is withdrawn and the case is **CLOSED**. The ALJ's

¹ *Meyer v. BNSF Ry. Co.*, ALJ No. 2015-FRS-024 (Feb. 27, 2017).

² 49 U.S.C.A. § 20109 (Thomson/West 2007), as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Pub. L. No. 110-53, and as implemented by federal regulations at 80 Fed. Reg. 69,115; 69,137 (Nov. 9, 2015).

³ 29 C.F.R. § 1982.110 (2016).

⁴ *Id.* at § 1982.111(c). We note that a party before the Board who enters into a settlement of a FRSA claim may withdraw on the basis of a settlement only after the Board approves the settlement. *Id.* No settlement has been provided to the Board for approval in this case.

Decision and Order Dismissing Complaint issued on February 27, 2017, is now the Secretary of Labor's final order in this case.⁵

FOR THE ADMINISTRATIVE REVIEW BOARD:



Janet R. Dunlop
General Counsel

⁵ 80 Fed. Reg. 69,115; 69,137; § 1982.111(c).