



IN THE MATTER OF:

VERA RILEY,

ARB CASE NO. 17-036

COMPLAINANT,

ALJ CASE NO. 2016-STA-040

DATE: May 19, 2017

v.

EL-HAJJ MALIK EL-SHABAZZ
PUBLIC SCHOOL ACADEMY, CORDREE
McCONNELL, VINCENT PRICE,
AND CHARLES MOORE,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Samantha A. (Kintz) Zandee, Esq., Lansing, Michigan

For the Respondent:

Heidi D. Hudson, Esq.; Ausmer, August & Caldwell, P.C.; Farmington Hills,
Michigan

Before: Paul M. Igasaki, *Chief Administrative Appeals Judge* and Leonard J. Howie III,
Administrative Appeals Judge

ORDER GRANTING WITHDRAWAL OF APPEAL

On March 31, 2017, Complainant Vera Riley filed a petition for review of an Administrative Law Judge's Order Granting Summary Judge in this case arising under the

employee protection provisions of the Surface Transportation Assistance Act.¹ The Secretary of Labor has delegated authority to issue final agency decisions under the STAA to the Administrative Review Board.² The Administrative Review Board accepted the petition and issued an order establishing the briefing schedule.

On May 1, 2017, Riley filed a Motion for Voluntary Dismissal. On May 5, 2017, Respondents El-Hajj Malik El-Shabazz Public School Academy, Cordree McConnell, and Vincent Price responded to the Motion stating that they did not object to it.

A party may withdraw a petition for review of an ALJ's decision at any time before the ARB issues a final decision in the case.³ If the Board grants a motion to withdraw, the Administrative Law Judge's decision in the case becomes the final decision of the Secretary of Labor.⁴ Accordingly, we **GRANT** Complainant's Motion for Voluntary Dismissal and close this case.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

LEONARD J. HOWIE III
Administrative Appeals Judge

¹ 49 U.S.C.A. § 31105 (Thomson/West 2007 & Supp. 2016) (STAA).

² Secretary's Order No. 2-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 77 Fed. Reg. 69,378 (Nov. 16, 2012).

³ 29 C.F.R. § 1978.111(c).

⁴ *Id.* If a party withdraws a petition for review because of settlement, the settlement must be submitted to the Board for approval. *Id.* The parties have presented the Board with no such settlement agreement in this case.