



In the Matter of:

DWAYNE OLISOVSKY,

ARB CASE NO. 96-183

COMPLAINANT,

(ALJ CASE NO. 96-CAA-1)

v.

DATE: October 23, 1996

SHELL WESTERN E&P, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER GRANTING WITHDRAWAL OF COMPLAINT

This matter arose from a complaint letter dated September 7, 1995 which was submitted by two parties, Dwayne Olsovsky and Warren Botard. The Administrative Law Judge (ALJ) dismissed Botard's complaint by summary decision entered April 24, 1996 and issued a Recommended Decision and Order (R. D. and O.) on August 19, 1996, recommending that Olsovsky's case be dismissed. By counsel, Botard has advised the Board that he wishes to withdraw his complaint.

^{1/} This matter was filed before the Secretary of Labor pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2622 (1988). On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and the implementing regulations (29 C.F.R. Part 24) to the newly created Administrative Review Board. Secretary's Order 2-96 (Apr. 17, 1996), 61 Fed. Reg. 19978 (May 3, 1996). Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order, and regulations under which the Administrative Review Board now issues final agency decisions. Final procedural revisions to the regulations (61 Fed. Reg. 19982) implementing this reorganization were also published on that date.

Voluntary dismissals of whistleblower complaints are governed by Rule 41 of the Federal Rules of Civil Procedure. See *Nolder v. Kaiser Engineers, Inc.*, Case No 84-ERA-5, Sec. Dec., June 28, 1985, slip op. at 2. Accordingly, Botard's complaint is **WITHDRAWN** and is no longer a part of this proceeding.

SO ORDERED.

DAVID A O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate