



In the Matter of:

INEZ J. AUSTIN,

ARB CASE NO. 97-046

COMPLAINANT,

(ALJ CASE NO. 97-ERA-0001)

v.

DATE: January 22, 1997

**WESTINGHOUSE HANFORD
COMPANY,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER OF DISMISSAL

Before the Board for review is a Recommended Order of Dismissal issued by the Administrative Law Judge (ALJ) in this case, which arises under the employee protection provisions of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851 (1988 and Supp. IV 1992). Prior to a hearing, Complainant filed a Motion To Dismiss Without Prejudice. Respondent subsequently advised the ALJ that it had no objection to Complainant's Motion To Dismiss Without Prejudice. Voluntary dismissals of ERA 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 6-8; *Blevins v. Tennessee Valley Authority*, Case No. 90-ERA-4, Sec. Dec., June 28, 1993, slip op. at 2.

^{1/} On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and the implementing regulations to the newly created Administrative Review Board (ARB). Secretary's Order 2-96 (Apr. 17, 1996), Fed. Reg. 19978 (May 3, 1996). Secretary's Order 2-96 contains a comprehensive list of statutes, executive order, and regulations under which the Administrative Review Board now issues final decisions.

Accordingly, the ALJ's recommendation is accepted and this case is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED.

DAVID A O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member