In the Matter of:

LISA ENGEL,   **ARB CASE NO. 97-067**

          COMPLAINANT,   **(ALJ CASE NO. 97-TSC-0002)**

     v.   **DATE: March 19, 1997**

**NATIONAL RADIO ASTRONOMY
OBSERVATORY,**

          RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD[1]

ORDER OF DISMISSAL

Before the Board for review is the Administrative Law Judge's February 25, 1997 recommended Order Granting Complainant's Motion to Withdraw Request for Hearing issued in the captioned matter, arising under the employee protection provisions of the Toxic Substances Control Act of 1986 (TSCA), 15 U.S.C. § 2622 (1988). Prior to a hearing Complainant filed a "Response to Order to Show Cause and Withdrawal of Appeal," conceding that the complaint was not filed within TSCA's required 30-day statute of limitation and stating that Complainant was withdrawing her "appeal," *i.e.* Complainant's request for a hearing pursuant to the TSCA's implementing regulations at 29 C.F.R. Part 24.

Voluntary dismissals of TSCA 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,

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[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.

slip op. at 2. 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