

U.S. Department of Labor

Office of Administrative Law Judges
St. Tammany Courthouse Annex
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Covington, Louisiana 70433

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Issue Date: 22 September 2006

CASE NO.: 2006-STA-8

IN THE MATTER OF

RICKY D. FORREST

Complainant

v.

EQUITY TRANSPORTATION

Respondent

RECOMMENDED ORDER OF DISMISSAL

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 1305 (herein the STAA) and the regulations promulgated thereunder at 29 C.F.R. Part 1978. The formal hearing in this matter is scheduled for October 3, 2006, in Houston, Texas.

On September 16, 2006, Complainant forwarded a "Motion to Dismiss" by e-mail which was filed on September 18, 2006. Complainant alleges he has suffered from actions to "harass my person with delays, erroneous [sic] decisions [sic]" that resulted in a denial of due process. He withdrew the charges "due to the unbearable and incessant acts of torture and harassment the Secretary engages upon my person . . ."

Respondent has been served with Complainant's Motion and has filed a written response urging no objection to an Order of Voluntary Dismissal.

The Rules For Implementing Section 405 of the Surface Transportation Assistance Act of 1982, 29 C.F.R. §1978.111, provides that, "at any time before the findings and order becomes final, a party may withdraw his objections to the

findings or order by filing a written withdrawal with the administrative law judge." The judge shall determine whether to affirm any portion of the findings or preliminary order or to approve the withdrawal.

Complainant has submitted such a withdrawal in the form of his motion to dismiss. Since Respondent has no objections, Complainant's request for dismissal is hereby accepted, and, consistent with the regulation, the Complaint is hereby **DISMISSED** with prejudice.

The formal hearing presently scheduled to commence on October 3, 2006, in Houston, Texas is **CANCELLED**.

ORDERED this 22nd day of September, 2006, at Covington, Louisiana.

A

LEE J. ROMERO, JR.
Administrative Law Judge

NOTICE OF REVIEW: The administrative law judge's Recommended Order of Dismissal along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. See 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order of Dismissal, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.