

**U.S. Department of Labor**

Office of Administrative Law Judges  
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Covington, Louisiana 70433

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**Issue Date: 04 January 2007**

**CASE NO.: 2007-STA-1**

**IN THE MATTER OF**

**EVERETT L. HENDERSON**

**Complainant**

**v.**

**FEDEX EXPRESS**

**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.

On December 13, 2006, Counsel for Complainant forwarded "Complainant's Request for Voluntary Dismissal of His Complaint."

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 January 9, 2007, in Macon, Georgia is **CANCELLED**.

ORDERED this 4<sup>th</sup> day of January, 2007, 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.