

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 27 August 2007

CASE NO. 2007-STA-0025

In the Matter of:

CLYDE MYERS,
Complainant,

vs.

SUNSTONE II LP
dba SUNSTONE TRUCKING and GEORGE JACKSON,
Respondents.

**RECOMMENDED ORDER APPROVING
WITHDRAWAL OF OBJECTIONS AND DISMISSING CLAIM**

This matter arises under the Surface Transportation Assistance Act ("the STAA"). 49 U.S.C. § 31105. The trial in this matter is scheduled for September 6, and 7, 2007 in Sacramento, California.

On August 16, 2007, Respondent's counsel filed signed copies Complainant's Notice of Withdrawal of Objections to the Secretary's Findings and Request for Dismissal.

Under the STAA regulations, at any time before the findings and order become final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge. 29 C.F.R. § 1978.111(c). The judge shall determine whether to approve the withdrawal.

Given that Complainant's request to withdraw his objections to the Secretary's findings and for dismissal of his case appears voluntary, and that Respondent does not object, Complainant's request to withdraw his objections and for dismissal of his case is hereby APPROVED. Accordingly, the Secretary's findings are REINSTATED, and this matter is hereby DISMISSED with prejudice.

The hearing scheduled to commence on September 6, 2007 in Sacramento, California is CANCELLED.

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ANNE BEYTIN TORKINGTON
Administrative Law Judge

ABT:eh

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Withdrawal of Objections and Dismissing Claim, 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 Approving Withdrawal of Objections and Dismissing Claim, 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.