



In the Matter of:

DOUGLAS HARRISON,

ARB CASE NO. 96-171

COMPLAINANT,

ALJ CASE NO. 96-ERA-19

v.

DATE: September 27, 1996

**STONE & WEBSTER ENGINEERING
CORPORATION,**

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 provision of the Energy Reorganization Act of 1974 (ERA), as amended, 42 U.S.C. § 5851 (1988). Prior to a hearing, the parties submitted a stipulation of dismissal with prejudice. Based on the stipulation, the ALJ recommended this case be dismissed with prejudice and we concur.

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. Such a stipulation of dismissal may be with prejudice. See *Dysert v. Florida Power & Light Co.*, Case No. 92-ERA-26, Sec. Dec. June 28, 1993, slip op. at 1.

^{1/} On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996). Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order and regulations under which the Administrative Review Board now issues final agency decisions. Final procedural revisions to the regulations (61 Fed. Reg. 19982) implementing this reorganization were also promulgated on this date.

The ALJ's Recommendation is accepted and this case is dismissed with prejudice.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member