



In the Matter of:

RICHARD D. CARTWRIGHT,

ARB CASE NO. 98-010

COMPLAINANT,

(ALJ CASE NO. 97-ERA-41)

v.

DATE: October 31, 1997

**LOCKHEED MARTIN UTILITY
SERVICES, INC.,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER OF DISMISSAL

Before the Board for review is the Administrative Law Judge's (ALJ's) October 22, 1997 Recommended Order of Dismissal issued in the captioned matter, arising under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. §5851 (1988). Prior to a hearing, Complainant and Respondent filed a joint motion to dismiss Complainant's case on the ground that the complaint did not raise an environmental safety violation as required for protection under the ERA.

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. Accordingly, the ALJ's recommendation is accepted and this case is **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(2).

SO ORDERED.

DAVID A O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member