



**In the Matter of:**

**ASSISTANT SECRETARY OF LABOR FOR  
OCCUPATIONAL SAFETY AND HEALTH,**

**ARB CASE NO. 04-135**

**ALJ CASE NO. 03-STA-40**

**PROSECUTING PARTY,**

**DATE: October 27, 2004**

**and**

**BRIAN SCOTT BOYD,**

**COMPLAINANT,**

**v.**

**PALMENTERE BROTHERS CARTAGE  
SERVICE, INC.,**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**FINAL DECISION AND ORDER OF DISMISSAL**

This matter arose under the Surface Transportation Assistance Act of 1982 (STAA), as amended and recodified, 49 U.S.C.A. § 31105 (West 2004), and its implementing regulations, 29 C.F.R. Part 1978 (2004). Following verbal notification on August 26, 2003, that Brian Scott Boyd was no longer interested in prosecuting his discrimination complaint, the Offices of the Administrative Law Judges received a written Notice of Withdrawal from the Complainant on September 3, 1993. Under 29 C.F.R. § 1978.111(c), a complainant may file a written withdrawal with the ALJ at any time before the findings or order become final. On October 9, 2003, the ALJ assigned to the case issued an Order of Dismissal granting the request and dismissing the complaint.

The ALJ's Order is subject to the automatic review provisions of 49 U.S.C.A. § 31105(b)(2)(C) and 29 C.F.R. § 1978.109(c)(1). The Secretary of Labor has delegated

her jurisdiction to decide this matter to the Administrative Review Board. *See* Secretary's Order 1-2002, 67 Fed. Reg. 64,272 (Oct. 17, 2002). We approve the ALJ's Order of October 9, 2003. The discrimination complaint is hereby **DISMISSED**.

**SO ORDERED.**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

**M. CYNTHIA DOUGLASS**  
**Chief Administrative Appeals Judge**