



**Issue Date: 29 July 2008**

Case No.: 2008-STA-00042

In the Matter of

**GARY KANOST**

Complainant

v.

**FEDEX FREIGHT EAST, INC.**

Respondent

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

This proceeding involves a complaint filed under the “whistleblower” employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and its implementing regulations, 29 C.F.R. part 1978. Hearing on this matter is currently scheduled to commence on August 25, 2008 in State College, Pennsylvania.

The Complainant is represented by counsel. By letter dated July 8, 2008, counsel for the Complainant informed me that the parties had settled this matter, and the Complainant therefore withdrew his complaint. Counsel further stated that the parties stipulated to a dismissal, with prejudice, of the instant matter. By letter dated July 17, 2008, the parties submitted, as required under 29 C.F.R. § 1978.111, a copy of the settlement agreement, signed by the Complainant and counsel for the Employer.

I find the parties have settled this matter to their satisfaction, and the Complainant has withdrawn his complaint. I further find the parties have stipulated to a dismissal, with prejudice, of this matter. Therefore, pursuant to the parties’ stipulation, this matter is DISMISSED.

SO ORDERED.

**A**

**ADELE H. ODEGARD**  
Administrative Law Judge

Cherry Hill, New Jersey

**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, Suite S-5220, 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.