



Issue Date: 17 June 2008

In the Matter of:

BILL C. LESCH,
Complainant

Case No. 2008-STA-35

v.

STOUGHTON TRUCKING,
Respondent

**RECOMMENDED ORDER APPROVING WITHDRAWAL OF OBJECTIONS,
DISMISSING CLAIM, AND CANCELLING HEARING**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, as amended, and the implementing regulations at 29 C.F.R. Part 1978 (2006). A hearing is presently scheduled for Wednesday, June 18, 2008, in Madison, Wisconsin. On June 13, 2008, the Complainant submitted a letter stating that he wishes to withdraw because the cost of pursuing his claim would exceed any recovery he could obtain. The Respondent has no objection to the Complainant's request to withdraw.

Pursuant to 29 C.F.R. § 1978.111(c), a complainant may file a written withdrawal of objections to the Secretary's preliminary findings with an Administrative Law Judge at any time before the findings or order become final. Where a complainant seeks to withdraw his or her complaint, the Complainant's request is construed as a withdrawal of objections to the Secretary's preliminary findings. *Mysinger v. Rent-A-Driver*, 1990-STA-23 (Sec'y Sept. 21, 1990). Being duly advised, I find that the Complainant's request should be granted.

IT IS THEREFORE ORDERED:

1. The hearing scheduled for June 18, 2008 in Madison, Wisconsin, is **CANCELED**.
2. The Secretary's Findings issued on February 19, 2008, are **REINSTATED**.
3. The above-captioned matter is hereby **DISMISSED** with prejudice, pursuant to 29 C.F.R. § 1978.111(c), with each party to bear its own attorney fees and costs.

A

Alice M. Craft
Administrative Law Judge

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.