



**In the Matter of:**

**BRAD WILSON,**

**ARB CASE NO. 10-134**

**COMPLAINANT,**

**ALJ CASE NO. 2010-FRS-016**

**v.**

**DATE: September 24, 2010**

**NORFOLK SOUTHERN RAILWAY  
COMPANY,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Complainant:*

**Ryan M. Furniss, Esq., *Holland Groves Schneller Stolze*, St. Louis, Missouri**

*For the Respondent:*

**Joseph P. Sirback, *Buchanan Ingersoll & Rooney PC*, Philadelphia,  
Pennsylvania**

**BEFORE: Paul M. Igasaki, *Chief Administrative Appeals Judge* and Joanne Royce,  
*Administrative Appeals Judge***

**FINAL DECISION AND ORDER GRANTING  
MOTION TO WITHDRAW PETITION FOR REVIEW**

On July 15, 2010, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order Granting Respondent's Motion for Summary Decision and Dismissing the Complaint (R. D. & O) in this case arising under the

employee protection provisions of the Federal Rail Safety Act (FRSA).<sup>1</sup> The Complainant filed a petition requesting the Administrative Review Board to review the R. D. & O.<sup>2</sup> and on August 17, 2010, the Board issued a Notice of Appeal and Order Establishing Briefing Schedule.

On August 31, 2010, the Complainant filed a letter with the Board stating, “Please be advised that we are voluntarily withdrawing Complainant’s Petition for Review with the Administrative Review Board in [this case].” The letter further averred that the Complainant’s counsel had spoken with the Respondent’s counsel and they did not have any objections to the withdrawal. Accordingly, we **GRANT** the Complainant’s motion and **DISMISS** his appeal. The Administrative Law Judge’s July 15, 2010 R. D. & O. will become the Secretary of Labor’s final decision in this case.

**SO ORDERED.**

**PAUL M. IGASAKI**  
**Chief Administrative Appeals Judge**

**JOANNE ROYCE**  
**Administrative Appeals Judge**

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<sup>1</sup> 49 U.S.C.A. § 20109 (West Supp. 2010), as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Pub. L. No. 110-53.

<sup>2</sup> Secretary of Labor has delegated to the Administrative Review Board her authority to issue final agency decisions under the FRS. Secretary’s Order No. 1-2010 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 75 Fed. Reg. 3924, § 5(b)(15) (Jan. 15, 2010).