



In The Matter Of:

SCOTT E. COLEMAN,

CASE NO. 96-ERA-9

COMPLAINANT,

DATE: July 3, 1996

v.

DUQUESNE LIGHT COMPANY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

ORDER OF DISMISSAL

Before the Board is a Recommended Order Dismissing Complaint issued by the Administrative Law Judge (ALJ) in this case, which arises under the employee protection provisions of the Energy Reorganization Act of 1974 (ERA), 42 U.S.C. § 5851 (1988). Prior to a hearing, Complainant notified the ALJ that the issue of his discharge, which gave rise to the instant complaint, had been rescinded through arbitration and he wished to withdraw his complaint without prejudice. Respondent agreed to the dismissal without prejudice. 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.

^{1/} This matter was filed before the Secretary of Labor pursuant to the employee protection provision of the Energy Reorganization Act of 1974 (ERA), 42 U.S.C. § 5851 (1988). On April 17, 1996 a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and the implementing regulations (29 C.F.R. Part 24) to the newly created Administrative Review Board. Secretary's Order 2-96 (Apr. 17, 1996), 61 Fed. Reg. 19978 (May 3, 1996) (copy attached).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive orders, and regulations under which the Administrative Review Board now issues final agency decisions. A copy of the final procedural revisions to the regulations (61 Fed. Reg. 19982) implementing this reorganization is also attached.

The ALJ's recommendation is accepted and this case is dismissed without prejudice.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member