



**IN THE MATTER OF:**

**ROBERT JOHNSON,**

**ARB CASE NO. 2021-0004**

**COMPLAINANT,**

**ALJ CASE NO. 2016-FRS-00029**

**v.**

**DATE: November 6, 2020**

**BNSF RAILWAY COMPANY,**

**RESPONDENT.**

**ORDER GRANTING STIPULATED MOTION TO WITHDRAW APPEAL**

Complainant Robert Johnson filed a timely complaint with the Occupational Safety and Health Administration (OSHA) alleging that he was retaliated against by his employer, BNSF Railway Company for reporting an injury. On February 26, 2016, OSHA issued Secretary Findings. Complainant objected and requested a hearing with the Office of Administrative Law Judges (ALJ). The ALJ issued a decision and Order on September 29, 2020.

On October 13, 2020, BNSF Railway Company appealed the ALJ's decision to the Administrative Review Board (the Board). The Secretary of Labor has delegated authority to issue final agency decisions under FRSA to the Board.<sup>1</sup>

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<sup>1</sup> Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board (Secretary's discretionary review of Board decisions)), 85 Fed. Reg. 13186 (Mar. 6, 2020).

On October 30, 2020, the parties, Robert Johnson and BNSF Railway Company, filed a Stipulated Motion to Withdraw BNSF's petition for review. There are no other petitions for review in this case pending before the Board. A party may withdraw a petition for review of an ALJ's decision at any time before the Board issues a final decision in the case.<sup>2</sup> We hereby **GRANT** the parties' Stipulated Motion to Withdraw Petition for Review.

**FOR THE ADMINISTRATIVE REVIEW BOARD**



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**Aubrey Gordon**  
**General Counsel**

**NOTE: Questions regarding any case pending before the Board should be directed to the Board's Paralegal Specialists by telephone at (202) 693-6200 or by facsimile at (202) 693-6220**

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<sup>2</sup> 29 C.F.R. § 1982.111(c).