

**UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES**

OALJ Case No.: \_\_\_\_\_

In the Matter of:

\_\_\_\_\_  
*(Plaintiff/Complainant/Claimant)*

v.

\_\_\_\_\_  
*(Defendant/Respondent/Employer/Carrier)*

**MOTION TO WITHDRAW FROM REPRESENTATION**

This form may be used as a motion by an attorney or non-attorney representative to withdraw as the representative in the above-captioned case.

*Motion and Certifications:* I have previously filed a Notice of Appearance as a representative in the above-captioned case, and I now seek the presiding administrative law judge’s permission to withdraw from the representation. I certify that I have provided notice of the withdrawal of the representation to the party or client. I also certify that the circumstances support withdrawal, and – if applicable – that my withdrawal from the representation is consistent with the rules of conduct for the jurisdiction(s) in which I am admitted to practice. This request to withdraw applies to the following party or parties, or client or clients:

*New Representation:* Indicate the status of the party’s or client’s future representation:

*Substitution without change of firm or agency:* The party or parties, or client or clients, will be represented by another attorney or non-attorney representative from the same firm or agency as the withdrawing representative, who has already filed a Notice of Appearance or will be doing so. The new representative will be:

\_\_\_\_\_

*New representative from a different firm or agency:* The party or parties, or client or clients, have retained the new counsel at a different firm or agency. The new representative will be:

\_\_\_\_\_

- Self-representation*: The party or parties, or client or clients, have not retained new counsel and wish to proceed *pro se*, as self-represented litigants.
- Unknown intention*: The party or parties, or client or clients, have not indicated at the time of the filing of this motion how they wish to proceed in regard to new representation.

*Scope of Withdrawal*: Indicate whether you are seeking to withdraw from the case entirely.

- I will no longer represent any party or client in the above-captioned case.
- I will continue to represent the following party or client in this matter:

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*Change in Contact Information*: If your contact information will be different from the current information provided to OALJ, please provide the new information below:

Your name		
Your address		
E-mail address for e-service		
E-mail address for direct communication (if different from the above)		
Telephone number(s)	Land line: Mobile: FAX:	

*Prayer for relief and signature*: I hereby request to be allowed to withdraw from this case.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

## Information and Instructions:

*In General:* The Office of Administrative Law Judges (OALJ) requires the filing of a Notice of Appearance by representatives. 29 C.F.R. § 18.22(a). To withdraw from the representation, an attorney or non-attorney representative must obtain leave from the presiding administrative law judge (ALJ). Specifically, the regulation at 29 C.F.R. § 18.22(e) provides: “A representative who desires to withdraw after filing a notice of appearance or a party desiring to withdraw the appearance of a representative must file a motion with the judge. The motion must state that notice of the withdrawal has been given to the party, client or representative. The judge may deny a representative’s motion to withdraw when necessary to avoid undue delay or prejudice to the rights of a party.”

*Efile/Eserve System (“EFS” – efile.dol.gov) Users:* If you have been granted EFS e-filing privileges in this case, filing this form will result in removal from e-service on the case, and from access to the EFS dashboard for the case, if the ALJ grants your motion to withdraw, unless you are continuing to represent another party or client in the case. Thus, prior to filing the motion it is advisable that you download from the EFS dashboard copies of any documents you will need for future reference if you have not done so already.

### *Formfields:*

*Motion and Certifications:* With this form, you will be certifying that that you have provided notice of the withdrawal of the representation to the party or non-party client as required by 29 C.F.R. § 18.22(e).

In addition, attorney-representatives who appear before OALJ must adhere to the applicable rules of conduct for the jurisdiction(s) in which the attorney is admitted to practice. 29 C.F.R. § 18.22(c). Most, if not all, licensing jurisdictions within the United States set forth factors and standards for withdrawal from representation that are identical or substantially similar to those found in Rule 1.16 of the American Bar Association’s Model Rules of Professional Conduct and in associated rulings by the courts. This form only requires you to certify that the circumstances support withdrawal and that your withdrawal is in compliance with any applicable rules of conduct and/or court rulings. The presiding ALJ, however, may ask for more information supporting the withdrawal. If it is necessary, to provide information concerning the withdrawal under seal, see the instructions on the protocol for *Sealed Documents and In Camera Review* at [www.dol.gov/agencies/OALJ/efs](http://www.dol.gov/agencies/OALJ/efs).

*New Representation:* To assist the presiding ALJ in determining whether the withdrawal will cause undue delay or prejudice to the rights of a party, please provide information about how the party or client will be represented going forward. If you know that the party or client will be represented by new counsel, please provide that person’s name. If you do not yet know that person’s name, respond with “TBD” (for to be determined) or “UNK” (for unknown). As used in this part of the form “firm or agency” is meant as a broad term to encompass law firms, government agencies, or other entities such as legal clinics.

*Scope of Withdrawal:* In some situations, a representative seeking to withdraw from representation of a party or client will continue to represent another party or client in the matter. It is important to be clear about a continuing representative capacity so that, if the ALJ grants the motion to withdraw, you will continue to be served in the case, and will continue to have access to the EFS dashboard for the case.

*Change in Contact Information:* If the motion to withdraw is accompanied by a change in your contact information for purposes of service of the ALJ’s ruling on the motion, or any other necessary service or communication from the ALJ, please provide that updated information. If there is no change in the contact information, you may leave this portion of the form blank.

Note that if you are an EFS user and have a change in your contact information, you must also update your profile in EFS at efile.dol.gov. If you will have a new e-mail address for receipt of e-service, you will also need to obtain new login.gov credentials and create a new EFS account. Use the Form NOTICE OF CHANGE OF REPRESENTATIVE’S BUSINESS OR CONTACT INFORMATION for a change in contact information. As noted above, if the ALJ grants the motion, your access to EFS for this case will be discontinued unless you are continuing to represent another party in this same case

*Prayer for relief and signature:* If you are e-filing this motion, you may sign either by “/s/” followed by the filer’s typed name, or by a digital signature. See [https://www.dol.gov/agencies/oalj/ELECTRONIC\\_SIGNATURES](https://www.dol.gov/agencies/oalj/ELECTRONIC_SIGNATURES). If you are using a handwritten signature, please type your name in Name field.