



Issue Date: 13 May 2004

In the Matter of
Mike Vanacore
Complainant

v.

Case Number 2004 AIR 00014

Spirit Airlines
Respondent

DECISION AND ORDER

APPROVING WITHDRAWAL OF COMPLAINT

This proceeding was scheduled for hearing on May 26, 2004 in Miami, Florida, under the employee protective provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121, et seq. ("AIR21"), and the applicable regulations at 29 C.F.R. Part 24. The Complainant filed objections under Section 1979.106, Objections to the Findings, in the nature of a complaint, and I entered an Order setting the case for hearing.

By letter submitted on May 4, 2004, the Complainant requested withdrawal of the claim and that the matter be taken off calendar.

After having been fully advised in these premises, I accept that there is good cause for the withdrawal of the claim, and hereby approve Complainant's request. 29 C.F.R. § 1979.111(c). The claim is hereby **DISMISSED**.

The hearing scheduled for May 24, 2004 in Miami, Florida is **CANCELLED**.

SO ORDERED

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DANIEL F. SOLOMON
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: This decision shall become the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1979.110 (2002), unless a petition for review is timely filed with the Administrative Review Board ("Board"), US Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210. Any party desiring to seek review, including judicial review, of a decision of the administrative law judge must file a written petition for review with the Board, which has been delegated the authority to act for the Secretary and issue final decisions under 29 C.F.R. Part 1979. To be effective, a petition must be received by the Board within 15 days of the date of the decision of the administrative law judge. The petition must be served on all parties and on the Chief Administrative Law Judge. If a timely petition for review is filed, the decision of the administrative law judge shall be inoperative unless and until the Board issues an order adopting the decision, except that a preliminary order of reinstatement shall be effective while review is conducted by the Board. The Board will specify the terms under which any briefs are to be filed. Copies of the petition for review and all briefs must be served on the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210. See 29 C.F.R. §§ 1979.109(c) and 1979.110(a) and (b).