



Issue Date: 19 October 2005

Case No.: 2005-AIR-0009

In the Matter of:

NICHOLAS REYER,  
Complainant

v.

NET JETS AVIATION, INC.,  
Respondent

DECISION AND ORDER

*Approving Withdrawal of Complaint*

This action arises under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century ("AIR 21"), and the regulations promulgated pursuant to and set forth at 29 C.F.R. Part 1979.

Nicholas Reyer filed a complaint with the Occupational Safety and Health Administration on or about April 15, 2004, alleging that Net Jets Aviation, Inc., discriminated against him in violation of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century, 49 U.S.C. § 42121, et seq. (AIR 21). After investigation, the Regional Administrator dismissed the complaint on November 9, 2004, finding that Mr. Reyer's termination would have occurred in the absence of the alleged protected activity. On December 21, 2004, the Complainant timely requested a hearing. On January 6, 2005, the claim was transferred to the undersigned for hearing. The matter is currently scheduled for hearing on November 25, 2005.

On October 17, 2005, the parties filed a Stipulation of Dismissal by which the Complainant withdraws his complaint and the parties jointly request that the case be dismissed with prejudice. The request is signed by Frederick M. Gittes, attorney for the Complainant, and O. Judson Scheaf, III, attorney for the Respondent. Upon consideration of the request for dismissal and determining that good cause exists for the request, the request will be granted.

It is, therefore,

ORDERED that this complaint is hereby Dismissed With Prejudice and the hearing scheduled for November 25, 2005, is cancelled.

**A**

Robert L. Hillyard  
Administrative Law Judge