



Issue Date: 10 May 2005

CASE NO.: 2005-ERA-7

IN THE MATTER OF

**PARVIN HOMAYOUN, Ph.D., D.Sc.,
Complainant**

vs.

**XAVIER UNIVERSITY,
Respondent**

RECOMMENDED DECISION AND ORDER OF DISMISSAL

This proceeding arises under the employee protection provisions of the Energy Reorganization Act¹ (the Act) and the regulations promulgated pursuant thereto.² It involves a claim of unlawful discrimination made by Dr. Parvin Homayoun (Complainant) against Xavier University (Respondent).

Complainant filed her original complaint with OSHA on or about 26 Oct 04. The complaint was investigated and found to be untimely. The notice of that finding was issued on or about 30 Nov 04. Complainant requested a formal hearing, which was initially set for 26 Jan 05. Complainant retained an attorney and the hearing was continued to 23 May 05. Complainant's counsel subsequently withdrew, leaving her to proceed pro se.

On 2 May 05, Respondent filed a motion for summary disposition. Complainant filed a response on 5 May 05. Her response rebutted many of the factual allegations in Respondent's motion. However, at the very end of the response, Complainant asked to withdraw her complaint. She indicated that Respondent's counsel had been contacted and did not oppose the withdrawal.

¹ 42 U.S.C. 5851 *et seq.* (2003)

² 29 C.F.R. Part 42 (2004)

On 10 May 05, the court legal staff contacted Complainant by telephone to confirm that she still wanted to withdraw her complaint, and she said she did.

ORDER

Complainant's motion to withdraw her complaint is **GRANTED**. The hearing scheduled for **Monday, May 23, 2005 at 9:00 a.m.** in **New Orleans, Louisiana** is cancelled and the case **DISMISSED**.

So ORDERED.

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PATRICK M. ROSENOW
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. See 29 C.F.R. §§ 24.7(d) and 24.8.