



Issue Date: 20 August 2010

In the Matter of

HAROLD NORMAN BROOKS
Complainant

v.

AMERICAN AIRLINES, INC.
Respondent

Case No. 2009-AIR-00008

ORDER OF DISMISSAL

This case arises under the employee protection provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21”). A hearing was scheduled to be held on September 30, 2009 in Atlanta, Georgia. The parties requested a continuance because the results of an arbitration proceeding between the pilots’ union and the airline, which were expected shortly, could make the AIR 21 case moot. Subsequently, I attempted informally to get a status report from the parties, but was unsuccessful. Prior to issuing an order to show cause why the case should not be dismissed for lack of prosecution, I tried once more to get a status report. This time, employer’s counsel informed me that the arbitration ruling had issued and resolved the matter. Accordingly, this case is moot, and

IT IS ORDERED that this case is dismissed with prejudice.

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JEFFREY TURECK
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of issuance of the administrative law judge’s decision. The Board’s address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1979.110(a). Your Petition must specifically identify the findings, conclusions or orders to which you object. You waive any objections you do not raise specifically. *See* 29 C.F.R. § 1979.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. You must also serve the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210. *See* 29 C.F.R. § 1979.110(a).

If no Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1979.110. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1979.109(c) and 1979.110(a) and (b).