



Issue Date: 14 January 2010

Case No.: 2009-AIR-3

In the Matter of

**Ronald Krick,
Complainant**

v.

**American Airlines, Inc.,
Respondent**

ORDER OF DISMISSAL

This proceeding arises under the employee protection provisions of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21), 49 U.S.C. Section 42121. The U.S. Department of Labor issued the Secretary's Findings on a complaint filed by Ronald Krick, who requested a hearing on these findings. A formal hearing in this matter is currently scheduled to commence on January 26, 2010 in St. Louis, Missouri.

On January 13, 2010, counsel for the Complainant, Ms. Tricia E. Kennedy, Esq., and counsel for the Respondent, Mr. David R. Cordell, Esq., submitted a "Stipulation of Dismissal With Prejudice" pursuant to Rule 41 of the Federal Rules of Civil Procedure, consenting and stipulating to the dismissal of the above-captioned matter with prejudice to re-filing. The stipulation is construed to be a request to withdraw Complainant's objections to OSHA's findings and his request for hearing and to dismiss his case.

Pursuant to 29 C.F.R. §1979.111(c), "a party may withdraw his or her objections to the findings or order [of OSHA] by filing a written withdrawal with the administrative law judge." Complainant consents to the dismissal of this case with prejudice. Respondent has joined in the Stipulation of Dismissal. Accordingly, the parties' Stipulation of Dismissal With Prejudice is hereby GRANTED and this case is dismissed with prejudice. Each party will bear its own attorneys' fees and costs in connection with this matter.

In view of the foregoing, the formal hearing currently scheduled for January 26, 2010 in St. Louis, Missouri is hereby CANCELLED.

SO ORDERED.

A

LINDA S. CHAPMAN
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).