

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 26 May 2015

CASE NO.: 2015-AIR-00020

In the Matter of:

ESHA GLOVER,
Complainant,

v.

UNITED AIRLINES,
Respondent.

ORDER OF DISMISSAL

This matter arises from a complaint of discrimination filed under the employee protection provision of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR”), 49 U.S.C. § 42121, as implemented by the regulations at 29 C.F.R. Part 1979 (2013). On March 18, 2015, the Occupational Safety and Health Administration (“OSHA”) acting as an agent for the Secretary of Labor (“Secretary”), issued findings dismissing the complaint. On April 17, 2015, the Complainant filed objections to the Secretary’s findings and requested a hearing. The hearing is currently set for August 11, 2015.

On May 21, 2015, the Complainant, proceeding *pro se*, filed a Motion to Withdraw her request for a hearing. Respondent did not object to the Motion.

The AIR implementing regulations provide:

At any time before the findings or order become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge . . . The judge . . . will determine whether the withdrawal will be approved.

29 C.F.R. § 1979.111(c). The Secretary’s findings are not final and Complainant has filed a written request to withdraw the pending AIR claim, which is unopposed. Accordingly, **IT IS HEREBY ORDERED**, that Complainant’s request to withdraw is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**.

IT IS HEREBY FURTHER ORDERED that the hearing in this matter which was scheduled to be heard on **August 11, 2015**, in Binghamton, New York, is hereby **CANCELED**.

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts