

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

Issue Date: 09 July 2015

ALJ NO.: 2015-AIR-00019

In the Matter of:

CHRISTOPHER HARVEY,
Complainant,

v.

AAR AIRCRAFT GROUP, INC.,
Respondent.

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

This proceeding arises from a complaint of discrimination filed under section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. 42121 ("AIR21"), and the procedural regulations found at 29 C.F.R. 1979.100, *et seq.* (2003). On November 24, 2014, the Regional Administrator for the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"), acting as agent for the Secretary of Labor ("Secretary"), issued an order finding that Complainant's protected activities were not contributing factors for adverse actions taken by the Respondent and the complaint was dismissed. On December 24, 2014, the Complainant, via facsimile, filed objections to the Secretary's preliminary order and requested a hearing pursuant to 29 C.F.R. §1979.106(a). On June 3, 2015, the Complainant filed a motion to withdraw his objections and request for hearing and seeks dismissal of the instant Complaint.

Pursuant to 29 C.F.R. § 1979.111 (c), a party may withdraw their objections to the findings or preliminary order any time before the findings or order become final. If the withdrawal is resulting from a settlement, the settlement must be approved pursuant to the regulations. *Id.* On July 8, 2015, I conducted a telephone conference with the parties to determine the reason for the motion. Complainant's counsel indicated that the Complainant has

other actions pending under Sarbanes-Oxley and other statutes, and it is their preference to abandon this litigation and pursue the others. Accordingly, the motion is GRANTED and it is ORDERED that the Complaint is **DISMISSED**.

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts