



**Issue Date: 26 January 2016**

Case No.: 2016-AIR-00004

In the Matter of

**MARTIN BICKEBOELLER**  
Complainant

v.

**THE BOEING COMPANY**  
Respondent

**ORDER OF DISMISSAL**

This matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), which was signed into law on April 5, 2000. The Act includes a whistleblower protection provision, with a Department of Labor complaint procedure.<sup>1</sup> Implementing regulations are at 29 CFR Part 1979, published at 68 Fed. Reg. 14,107 (Mar. 1, 2003). Per 49 U.S.C. § 42121(b)(2)(A), and implemented by 29 CFR § 1979.100(b), the hearing in this matter is to commence expeditiously, except upon a showing of good cause or otherwise agreed to by the parties.

**Procedural History**

On June 20, 2015, Complainant filed an AIR 21 complaint against the Respondent. On October 13, 2015 the Secretary of the Department of Labor dismissed the complaint and entered findings in this matter through correspondence from the Occupational Safety and Health Administration (“OSHA”). On November 6, 2015, Complainant formally objected to OSHA’s findings and requested a hearing.

Subsequently, this case was transferred to me and I issued a Notice of Assignment and Conference Call on November 20, 2015. The conference call proceeded as scheduled and I issued a Notice of Hearing and Pre-Hearing Order on December 31, 2015.

On January 20, 2016, this office received the parties’ *Stipulation Of Dismissal With Prejudice* stating that the parties stipulate to dismissal of all claims in this matter with prejudice. The Stipulation also states Complainant agrees to waive and release any other claims relating to the facts alleged in his two complaints in the matter.

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<sup>1</sup> Pub. L. 106-181, tit. V, § 519(a), Apr. 5, 2000, 114 Stat. 145. See 49 U.S.C. § 42121.

I held a teleconference call with the parties on Monday, January 25, 2016; Complainant, Martin Bickeboeller, and counsel for The Boeing Company, Mack H. Shultz, Esq. participated. The purpose of this call was to ensure that the Complainant, who was proceeding *pro se*, was knowingly, intelligently, and without threat of retribution, freely withdrawing his claim.

#### Discussion

The Secretary's regulations provide at 29 C.F.R. § 1979.111(c), that (1) a party may withdraw its objections to the Secretary's findings at any time before that decision becomes final by filing a written withdrawal with the administrative law judge ("ALJ"); and (2) the ALJ will determine whether to approve the withdrawal of the objections to the Secretary's findings.

I note that I have the authority to approve Complainant's withdrawal of objections to the Secretary's findings. 29 C.F.R. § 1979.111(c). If I approve a request to withdraw objections, and there are no other pending objections, then the Secretary's findings outlined in the letter from OSHA to Complainant dated October 13, 2015, dismissing the case, are affirmed and will become the final order of the Secretary. *Id.*

Upon review of the parties' *Stipulation Of Dismissal With Prejudice*, my inquiry into Claimant's voluntary desire to withdraw his claim, and the record that is before me, I find that good cause is shown and approve Complainant's withdrawal of his Complaint and Objections, with prejudice.

The hearing scheduled for May 18-20, 2016 is hereby CANCELLED. This matter is hereby **DISMISSED** with prejudice.

SO ORDERED.

**SCOTT R. MORRIS**  
Administrative Law Judge

Cherry Hill, New Jersey