



**Issue Date: 01 July 2016**

Case No.: 2016-AIR-00009  
OSHA No.: 5-1260-15-046

***In the Matter of:***

DONNA K. GUZZIO,  
*Claimant,*

v.

AMERICAN AIRLINES,  
*Respondent.*

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS  
AND DISMISSAL OF CLAIM**

This matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21).<sup>1</sup> The Act includes a whistleblower protection provision, with a Department of Labor complaint procedure.<sup>2</sup> Implementing regulations are at 29 CFR Part 1979, published at 68 Fed. Reg. 14,107 (Mar. 1, 2003). It is currently scheduled for hearing on September 15, 2016 in Chicago, Illinois.

On June 24, 2016, Donna K. Guzzio (“Complainant”) notified the court that she wished to “withdraw my case from the court and will choose another path.” On July 1, 2016, a member of my staff contacted Respondent’s counsel, who indicated it does not oppose the motion.

The rules governing withdrawal of AIR 21 complaints provide that “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”<sup>3</sup> who shall then determine whether to approve the withdrawal.

No final decision has been issued in the matter. As such, upon review of the entire record, and for good cause shown, said request to withdraw is hereby GRANTED. Accordingly,

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<sup>1</sup> On December 19, 2014, Complainant filed a complaint with the Occupational Safety and Health Administration (OSHA) alleging retaliation for reporting a violation of federal law, in violation of 49 U.S.C. 42121. On January 13, 2016, OSHA dismissed the complaint and Complainant appealed, requesting a hearing before this office.

<sup>2</sup> Pub. L. 106-181, tit. V, 519(a), Apr. 5, 2000, 114 Stat. 145. See 49 U.S.C. § 42121.

<sup>3</sup> 29 C.F.R. § 1979.111(c).

**Order**

IT IS HEREBY ORDERED that the hearing in the instant case scheduled for September 15, 2016 in Chicago, Illinois be, and is hereby, CANCELLED.

Consistent with the regulations, the Secretary's findings are affirmed in their entirety and the above captioned matter is hereby DISMISSED with prejudice without costs awarded to either party.

**SO ORDERED:**

STEPHEN R. HENLEY  
Chief Administrative Law Judge