



Issue Date: 13 June 2016

CASE NO.: 2016-AIR-00007

In the Matter of

JAMES P. STONE,
Complainant,

v.

HAWAII AIR AMBULANCE,
Respondent.

**ORDER APPROVING WITHDRAWAL OF
REQUEST FOR HEARING AND
DISMISSING CASE**

This case arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C.A. § 42121, the Surface Transportation Assistance Act, 49 U.S.C. § 31105, and these statutes' implementing regulations.¹ On June 3, 2016, I disapproved without prejudice Complainant's withdrawal of his request for a hearing. I was not satisfied that the withdrawal was a knowing and voluntary waiver of Complainant's rights.

On June 6, 2016, Complainant refiled his written withdrawal. He stated that, although he disagrees with the Occupational Safety & Health Administration's finding that his case should be dismissed on the merits, he acknowledges that his withdrawal of his request for a hearing will allow OSHA's findings to become final. I am now satisfied that Complainant understands the legal implications of the withdrawal. Accordingly,

Complainant's withdrawal of his request for a hearing before an administrative law judge is APPROVED. 29 C.F.R. §§ 1978.111(c), 1979.111(c). This matter is DISMISSED. The "Secretary's Findings" and order that OSHA issued on December 8, 2015 are the final order of the Secretary of Labor. *Id.*; 29 C.F.R. §§ 1978.106(b), 1979.016(b); *see also*, 49 U.S.C.

¹ *See* 29 C.F.R. Parts 1978, 1979.

§§ 31105(b), 42121(b). OSHA's order of December 8, 2015, contained a dismissal of Complainant's complaint in its entirety. That dismissal is the final order of the Secretary of Labor.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge