



Issue Date: 29 January 2019

Case No.: 2019-AIR-00004

In the Matter of

ENA WONG

Complainant

v.

JETBLUE AIRWAYS INCORPORATED

Respondent

**ORDER APPROVING COMPLAINANT'S WITHDRAWAL OF HER OBJECTIONS TO
THE SECRETARY'S FINDING, DISMISSING HER APPEAL, AND REINSTATING
THE SECRETARY'S FINDINGS**

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.¹ 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 November 5, 2018, the Tribunal issued a Notice of Assignment and Conference Call which scheduled a pre-hearing conference call set for December 10, 2018.

On December 13, 2018, the Tribunal issued a Notice of Hearing and Pre-Hearing Order, scheduling the hearing for April 29 through April 30, 2019 in New York, New York.

On January 17, 2019, the Tribunal received an email from Respondent's counsel indicating that Complainant inquired as to how Complainant could withdraw her complaint. Counsel represented that Complainant consented to it sending the Tribunal this letter.

On January 17, 2019, a member of this Tribunal's staff sent the parties an email informing Complainant that to withdraw her complaint she would need to submit a letter

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

requesting withdrawal representing that she was doing so freely, understands that the findings by OSHA would be reinstated and that the Tribunal would dismiss this case with prejudice.

On January 26, 2019, the Tribunal issued an Order Advising Parties of Telephone Conference Call set for January 29, 2019.

On January 29, 2019, the Tribunal's office received an email from Complainant's Counsel. Attached to the email was a letter requesting that this Tribunal dismiss Ms. Wong's complaint with prejudice and represented that there is no settlement agreement between the parties. The letter is signed by both Mr. Wong and her counsel Sagar Shah.

The Tribunal finds the Complainant freely and voluntarily requests withdrawal of her complainant. Accordingly,

- Complainant's written request to withdraw her appeal of the Secretary's Findings is **GRANTED**; her appeal of the Secretary's findings is hereby **DISMISSED** with prejudice
- OSHA's findings are **REINSTATED, AFFIRMED, and FINAL.**
- The teleconference scheduled for January 29, 2019 is hereby **CANCELLED.**

SO ORDERED.

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey