

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

Issue Date: 04 September 2013

CASE NO.: 2013-CAA-00006

In the Matter Of:

STEPHEN D. SMITH,
Complainant,

v.

COMPETITIVE RESOURCES INC. LLC,
Respondent.

ORDER APPROVING WITHDRAWAL

This proceeding arises from a complaint of discrimination filed under section 322(a) of the Clean Air Act (the “CAA”), 42 U.S.C. § 7622 and the procedural regulations found at 29 C.F.R. Part 24 (2013). By letter dated June 10, 2013, the Regional Supervisory Investigator for the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”), acting as agent for the Secretary of Labor (“Secretary”), issued investigative findings and an order dismissing the complaint as not timely filed under the employee protection provisions of the CAA. On July 9, 2013, the Complainant filed an objection to the findings and order and requested a hearing pursuant to 29 C.F.R. § 24.106. The case is currently scheduled for a *de novo* hearing to convene on October 31, 2013 pursuant to 29 C.F.R. § 24.107(b). On August 30, 2013, the Complainant, after advising the Office of Administrative Law Judges by telephone that he has been unable to obtain legal counsel and does not wish to proceed, filed a notice that he is withdrawing his complaint.

A complaint may be withdrawn at any time prior to the filing of objections to the Assistant Secretary’s findings; 29 C.F.R. § 24.111(a); and a party may withdraw objections to the findings and order at any time before they become final. 29 C.F.R. § 24.111(c). Here, objections to the findings and order were filed, so withdrawal of the complaint is not permitted. However, the findings and order dismissing the complaint did not become final because the Complainant filed an objection and a request for a hearing on those findings. 29 C.F.R. § 24.105(c). Accordingly, the Complainant has the right to withdraw his objection, and his August 30, 2013 notice of withdrawal will be treated as a request to withdraw his objection.

Accordingly, the Complainant's request to withdraw his objection to the findings and order is **APPROVED**, and the June 10, 2013 findings and order dismissing complaint is now the final order of the Secretary of Labor in this matter. 29 C.F.R. § 24.111(c).

SO ORDERED.

DANIEL F. SUTTON
Senior Administrative Law Judge

Boston, Massachusetts