

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 28 September 2004**

**CASE NO.: 2004-ERA-00026**

**IN THE MATTER OF**

**BOB ADAMS,  
Complainant**

**v.**

**STP NUCLEAR OPERATING CO. and  
WASHINGTON GROUP INTERNATIONAL,  
Respondents**

**RECOMMENDED DECISION AND ORDER OF DISMISSAL**

Complainant appealed OSHA's determination of August 9, 2004, and by order dated August 26, 2004, this matter was set for hearing on October 14, 2004. However, by letter received September 10, 2004, Complainant advised he wished to withdraw his appeal. Pursuant to 29 CFR Part 24.6, each party was granted 10 days to show cause why Complainant's claim should not be dismissed as he has requested. No objection having been filed, it is hereby **ORDERED** that Complainant's appeal is **DISMISSED** and the determination of OSHA shall stand.

Accordingly, the formal hearing scheduled for October 14, 2004, is hereby **CANCELED**.

So **ORDERED** this 28<sup>th</sup> day of September, 2004.

**A**

**C. RICHARD AVERY  
Administrative Law Judge**

**CRA:bbd**

**NOTICE:** This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.