



Issue Date: 22 August 2012

Case No.: **2012-FDA-1**

In the Matter of:

MARTY A. DOBSON,
Complainant,

v.

CAVENDISH FARMS, INC.,
Respondent.

**ORDER APPROVING WITHDRAWAL OF OBJECTION
AND DISMISSAL OF COMPLAINT AND ORDER CANCELLING HEARING**

This proceeding arises from a claim of discrimination under the Food, Drug, and Cosmetic Act, Section 1012, as amended by the FDA Food Safety and Modernization Act (FSMA), Section 402 of Public Law 111-353, 21 U.S.C. § 399d. Pursuant to an Amended Notice of Hearing and Prehearing Order, issued April 10, 2012, this matter is set for hearing on September 5, 2012, in Fargo, North Dakota.

On October 5, 2011, the Secretary of Labor, acting through her agent, the Regional Administrator for the Occupational Safety and Health Administration, issued the Secretary's Findings containing specific factual findings and legal conclusions which resulted in the dismissal of the complaint in this case. On November 1, 2011, Complainant objected to the Secretary's Findings and requested a hearing before this Office.

On July 9, 2012, the Complainant filed a Stipulation of Settlement and for Dismissal of this action, affecting a request to withdraw his objection to the Secretary's Findings issued on October 5, 2011. In the Stipulation of Settlement and for Dismissal, which has been signed by counsel for the parties, the Complainant states that he will continue to pursue an action against Respondent, Cavendish Farms, Inc., in Stutsman County District Court, Jamestown, North Dakota. Further, the parties stipulate that the

instant action and claims between the parties are “dismissed with prejudice on the merits and without costs to any parties.” I have reviewed Complainant’s request.

I hereby **APPROVE** the withdrawal of Complainant’s objections and **DISMISS** this case, each party to bear its own costs. The hearing scheduled for September 5, 2012, in Fargo, North Dakota, is **CANCELLED**. Accordingly, the findings of the Secretary’s Findings are the final order of the Secretary.

SO ORDERED.

A

JOSEPH E. KANE
Administrative Law Judge