



**Issue Date: 12 November 2014**

Case No.: 2014-FDA-5

In the Matter of:

Richard Stewart,  
Complainant

v.

Albert Uster Imports,  
Respondent

**ORDER APPROVING STIPULATION  
OF DISMISSAL WITH PREJUDICE**

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 a Notice of Hearing and Prehearing Order, issued July 23, 2014, this matter is set for hearing on December 1, 2014, in Washington, D.C.

On June 3, 2014, the Secretary of Labor, acting through his 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 July 3, 2014, the Complainant objected to the Secretary's Findings and requested a hearing before this Office.

On November 10, 2014, the parties submitted a Stipulation of Dismissal With Prejudice, stating that they had arrived at a mutual settlement of the matter, and that they stipulated to the dismissal of this claim with prejudice, with each party to bear his/its own costs. The Stipulation is signed by counsel for the Complainant, and counsel for the Respondent.

I have reviewed the Complainant's request, and I hereby **APPROVE** the parties' Stipulation of Dismissal and **DISMISS** this case, each party to bear its own costs. The hearing scheduled for December 1, 2014, in Washington, D.C. is **CANCELLED**. Accordingly, the Secretary's Findings are the final order of the Secretary.

SO ORDERED.

LINDA S. CHAPMAN  
Administrative Law Judge