



Issue Date: 15 November 2017

Case No.: 2016-FDA-00007

In the Matter of

JAMES S. MURPHY
Complainant

v.

AJINOMOTO WINDSOR, INC.
Respondent

ORDER OF DISMISSAL

The above-captioned proceeding arises under the employee protection provisions of the Food Safety Modernization Act, 21 U.S.C. § 399d. Complainant filed a complaint with the Occupational Safety and Health Administration (OSHA) alleging he was placed on unpaid suspension for raising concerns about food safety. OSHA dismissed the complaint finding no violation of the Act. Complainant appealed and requested a hearing before the Office of Administrative Law Judges (OALJ) on June 13, 2016.

On November 13, 2017, Complainant notified the undersigned he filed this action in United States District Court and withdrew his request for an administrative hearing.¹ Complainant's filing indicates he filed suit in the Eastern District of Missouri on August 14, 2017. Therefore, the hearing is cancelled and this case is **DISMISSED**.

SO ORDERED this day at Covington, Louisiana.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE

¹ If the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. 21 U.S.C. § 399d(b)(4)(A).