



Issue Date: 22 August 2019

CASE NO.: 2019-FDA-9

In The Matter Of:

TRAVIS BARNETT,
Pro Se Complainant

v.

SPROUTS FARMERS MARKET,
Respondent

APPEARANCES:

ALEXIS PFEIFER, ESQ.
For Respondent

BEFORE: PATRICK M. ROSENOW
Administrative Law Judge

ORDER OF DISMISSAL

This case arises under the FDA Food Safety Modernization Act¹ and its implementing regulations.² Complainant filed a complaint with the Occupational Safety and Health Administration (OSHA) on 18 Feb 19. Claimant alleged that Respondent retaliated against him after he refused to cut meat that was out of date. OSHA dismissed his complaint on 19 Mar 19, citing his failure to cooperate in its investigation. Complainant then objected to the OSHA findings and requested a hearing.

The case was assigned to me and I conducted an initial conference call with the parties on 29 May 19. Pursuant to my subsequent scheduling order, Complainant then filed a Bill of Particulars specifying his allegations. On 16 Aug 19, Complainant filed a request to cancel his

¹ 21 U.S.C. § 339d.

² 29 C.F.R. Part 1987.

hearing, stating that after careful consideration he had decided to pursue his claim through the Equal Employment Opportunity Commission. Accordingly, the request to withdraw his objections to the OSHA findings is granted. Those findings dismissing the complaint are reinstated and will become the final order of the Secretary.³

In view of the foregoing, the hearing scheduled on **13 Sep 19** in **Houston, Texas** is hereby **CANCELLED**.

ORDERED this 22nd day of August, 2019 at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge

³ 29 C.F.R. § 1987.111(c).