



Issue Date: 17 December 2014

Case No.: 2014-NTS-00005

In the Matter of

CESAR VALLEJO
Complainant

v.

MTA BUS
Respondent

ORDER APPROVING COMPLAINANT'S WITHDRAWAL

The above-captioned matter comes before the Office of Administrative Law Judges ("OALJ") pursuant to National Transit Systems Security Act ("NTSSA"), 6 U.S.C. 1142, and its implementing regulations found at 29 C.F.R. Part 1982. Upon referral of this matter to the OALJ, it was assigned to me on August 15, 2014. On August 19, 2014, I issued a notice of hearing and pre-hearing order, scheduling a hearing for January 8, 2015 and a pre-hearing conference call for December 18, 2014, 2014.

By letter dated December 15, 2014 and received by facsimile on the same date, Complainant's counsel stated that Complainant "withdraws his complaint to OSHA and the appeal of the complaint to the Office of Administrative Law Judges." As verbally confirmed with my legal assistant, Respondent's counsel has no objection to the Complainant's withdrawal.

The Secretary's regulations provide at 29 C.F.R. § 1982.111(c), that (1) a party may withdraw its objections to the Secretary's findings at any time before that decision becomes final by filing a written withdrawal with the administrative law judge ("ALJ") and (2) the ALJ will determine whether to approve the withdrawal of the objections to the Secretary's findings.

Complainant should be aware that withdrawal of his objections will result in dismissal of his complaint, without the opportunity to pursue it further. I note that I have the authority to approve Complainant's withdrawal of objections to the Secretary's findings. 29 C.F.R. § 1982.111(c). If I approve a request to withdraw objections, and there are no other pending objections, then the Secretary's findings outlined in the letter from the Occupational Safety and

Health Administration (“OSHA”) to Complainant dated July 8, 2014 are affirmed and will become the final order of the Secretary. *Id.*

Upon review, I find good cause and approve Complainant’s withdrawal of his objections, pursuant to 29 C.F.R. § 1982.111(c). Complainant may withdraw his complaint to OSHA and the appeal of the complaint to the OALJ.

The pre-hearing conference call scheduled for December 18, 2014, and the hearing scheduled for January 8, 2015, are both canceled.

IT IS SO ORDERED.

LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey