

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 March 2010

Case No.: 2010-SOX-13

In the Matter of

**JEAN MRHA BEACH,
Complainant,**

v.

**TYSON FOODS, INC.,
Respondent**

ORDER OF DISMISSAL

Complainant, by and through counsel on March 1, 2010 informed the Court that the Complainant no longer wants to pursue the appeal in the above-referenced matter and is withdrawing her complaint. Under section 1980.111(c) of title 29 C.F.R.:

At any time before the findings or order become final, a party may withdraw his or her objection to the findings or order by filing a written withdrawal with the administrative law judge, or, if the case is on review, with the Administrative Review Board. The judge or the Board, as the case may be, will determine whether the withdrawal will be approved. If the objections are withdrawn because of settlement, the settlement will be approved in accordance with paragraph (d) of this section.

As the Secretary's Findings are not final and a written withdrawal has been filed, approval of the withdrawal is appropriate. Accordingly, good cause having been shown, Complainant's request for withdrawal will be granted and this case will be dismissed.

ORDER

IT IS HEREBY ORDERED that Complainant's letter to withdraw be, and hereby is, **GRANTED**, and this case be, and hereby is, **DISMISSED WITH PREJUDICE**, each party to bear their own costs.

SO ORDERED this 25th day of March, 2010, at Covington, Louisiana.

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PATRICK M. ROSENOW
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition") with the Administrative Review Board ("Board") within ten (10) business days of the date of the administrative law judge's decision. *See* 29 C.F.R. § 1980.110(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See* 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).