



Issue Date: 14 August 2009

In the Matter of
SEAN MCFARLAND
Complainant

v.

Case Number 2009 STA 00051

SPECIAL-LITE INC.
Respondent

RECOMMENDED ORDER
GRANTING WITHDRAWAL

This case was scheduled pursuant to the SURFACE TRANSPORTATION ASSISTANCE ACT, 49 USC § 31105 (formerly 49 USC app. § 2305); 29 CFR Part 1978, implementing regulations found at 29 CFR Part 24 for August 11, 2009 in Grand Rapids, Michigan. On July 22, 2009, I received a note from Complainant requesting withdrawal of his case. I cancelled the hearing and issued an Order to Show Cause with a return date of August 11, 2009.

Pursuant to 29 C.F.R. § 1978.111(c), a complainant may file a written withdrawal of objections to the Secretary's preliminary findings with an administrative law judge at any time before the findings or order becomes final. Thus, where a complainant seeks to withdraw a complaint, the Complainant's request is construed as a withdrawal of objections to the Secretary preliminary findings. *Mysinger v. Rent-A-Driver*, 1990-STA-23 (Sec'y Sept. 21, 1990).

I am now advised that Employer has no objection and I received no response from Claimant.

Accordingly, ***IT IS HEREBY RECOMMENDED*** that Complainant's request to withdraw his objection to OSHA's findings be granted and OSHA's findings be affirmed.

A

DANIEL F. SOLOMON
Administrative Law Judge

NOTICE OF REVIEW: The Recommended Decision and Order, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the Recommended Decision and Order, the parties may file briefs with the Board in support of, or in opposition to, the decision unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.