

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 April 2019

Case No.: 2018-WPC-00002

In the Matter of:

RICHARD COUCH,
Complainant,

v.

GRAPHIC PACKAGING,
Respondent.

**DECISION AND ORDER APPROVING COMPLAINANT'S
WITHDRAWAL OF OBJECTIONS AND OF DISMISSAL**

This proceeding arises under the employee-protection provisions of the Federal Water Pollution Control Act (WPCA), 33 U.S.C. § 1367, and its implementing regulations at 29 C.F.R. Part 24. On April 8, 2019, Respondent filed a Stipulation of Dismissal with Prejudice and Motion for Withdrawal of Complainant's Claims (Stipulation).

29 C.F.R. § 24.111(c) provides that "[t]he ALJ . . . will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings or order, and there are no other pending objections, the Assistant Secretary's findings and order will become the final order of the Secretary."

The Stipulation is signed by counsel for both parties. The Stipulation indicates that the parties have settled this matter and that the "Complainant hereby withdraws his objection to the Secretary's findings under 29 C.F.R. § 24.111(c) and stipulates to the dismissal of his claims with prejudice." Section 24.111 does not require the parties to submit a settlement of a claim under the WPCA to the ALJ for approval. There are no other objections to the Secretary's findings.

WHEREFORE, IT IS ORDERED that Complainant's withdrawal of his objections to the Secretary's findings in this matter is approved. Complainant's objections to the Secretary's findings are deemed withdrawn. The hearing scheduled for April 30, 2019, in Kalamazoo, Michigan, is CANCELLED. This claim is DISMISSED WITH PREJUDICE.

SO ORDERED.

Jason A. Golden
Administrative Law Judge