



**Issue Date: 31 May 2016**

**CASE NO.: 2016-CFP-2**

**IN THE MATTER OF:**

**CYNTHIA CLINE**

**Complainant**

**v.**

**GREEN TREE INVESTMENT SERVICES, INC.**

**Respondent**

**ORDER APPROVING WITHDRAWAL OF COMPLAINT  
AND CANCELLING FORMAL HEARING**

On February 25, 2015, Complainant, Cynthia Cline, filed objections to Secretary's findings of January 26, 2016, that his complaints of discrimination against Respondent were not meritorious.

On March 29, 2016, I held a conference call with Complainant and Respondent's counsel in order to determine whether Complainant intended to represent herself or hire an attorney and to select deadline dates for the filing of motions. During the call, Complainant stated she had not yet had an opportunity to speak to an attorney but intended to contact an attorney regarding her case. I informed Complainant that hiring an attorney was her decision to make but to let the undersigned's office know of her decision as soon as possible in order to avoid any unnecessary delays. After the conference call, I sent Complainant a form for her to provide the undersigned with the name and contact information of her representative. The form also included a provision for Complainant to complete if she chose to represent herself.

On April 7, 2016, I issued a Notice of Hearing and Pre-Hearing Order in this matter, scheduling a formal hearing on October 11-12, 2016. The Pre-Hearing Order also required Complainant file a complaint detailing her principle contentions of law and fact on or before May 6, 2016.

On May 16, 2016, Respondent filed a Motion to Dismiss, contending dismissal in this matter is proper due to Complainant's failure to notify the undersigned and Respondent whether she intended to represent herself or have someone else represent her at the hearing and due to her failure to timely submit a complaint in accordance with the April 7, 2016 Pre-Hearing Order.

On May 19, 2016, Complainant sent the undersigned an email, stating she had “not been able to find an attorney that will take this case without a substantial upfront fee. Therefore I see no way to move forward with this appeal. It is very sad these crooks have won again. Sincerely, Cynthia Cline.”

A complainant may not withdraw the complaint after filing objections to the OSHA findings and/or preliminary order. 29 C.F.R. § 1985.111(a). While the matter is pending before the ALJ, however, a party may withdraw objections to the OSHA findings or order by filing a written withdrawal with the ALJ. 29 C.F.R. § 1985.111(c). The ALJ will determine whether to approve the withdrawal of the objections. If the ALJ approves a request to withdraw objections, and there are no other pending objections, the Assistant Secretary’s findings and/or order will become the final order of the Secretary.

I construe Complainant’s email as a written request to withdraw her objections to the Secretary’s findings. Having considered Complainant’s withdrawal request, I hereby approve the withdrawal of Complainant’s objections to the Secretary’s findings which will become the final order of the Secretary.

In view of the foregoing, **IT IS HEREBY ORDERED** that the claim in the above-captioned matter is hereby dismissed with prejudice. As a result, Respondent’s Motion to Dismiss is **DENIED** as **MOOT**. **IT IS FURTHER ORDERED** that the formal hearing scheduled for October 11-12, 2016 is hereby cancelled.

**ORDERED** this 31<sup>st</sup> day of May, 2016, at Covington, Louisiana.

**CLEMENT J. KENNINGTON**  
**Administrative Law Judge**