



Issue Date: 09 April 2009

Case No.: 2009-SDW-00001

In the Matter of

VANESSA PEAKE,
Complainant

v.

MARTINREA FABCO HOT STAMPING, INC.,
Respondent

DECISION AND ORDER OF DISMISSAL
AND
ORDER CANCELLING HEARING

This is an employment protection claim brought under the Safe Drinking Water Act, 42 U.S.C.A. § 300j-9(i). The Complainant submitted a letter by facsimile on March 23, 2009, stating that she wishes to withdraw her complaint in the above referenced matter. Respondent has not objected or otherwise responded to Complainant's request. 29 C.F.R. §18.6(b). No consideration has been offered or paid for the withdrawal, so there is no need to determine whether to approve the withdrawal as a settlement. The Complainant is free to dismiss this matter for personal reasons, which in effect withdraws her request for a hearing.

Accordingly, the order of the Regional Administrator for the Occupational Safety and Health Administration, Region V, dated November 20, 2008, dismissing the complaint, becomes the final decision of the Secretary of Labor. 29 C.F.R. § 24.106(b).

It is therefore ORDERED that the complaint in this matter is DIMISSED and the hearing scheduled for May 13, 2009, is CANCELLED.

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JOSEPH E. KANE
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. *See* 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).