



Issue Date: 07 December 2022

Case No.: 2021-SDW-00001

In the Matter of:

AMIEL GROSS,
Complainant

v.

SAINT-GOBAIN CORPORATION, et al.,
Respondents

ORDER APPROVING WITHDRAWAL AND DISMISSING CASE

This matter arises from the complaint of unlawful retaliation filed by Amiel Gross (“Complainant”) with the Occupational Safety and Health Administration (“OSHA”) against Compagnie de Saint-Gobain, Saint-Gobain Corporation d/b/a Saint-Gobain North America, Mr. Mark Rayfield, and Mr. Tom Kinisky (collectively “Respondents”) under the employee protection provisions of the Safe Drinking Water Act, 42 U.S.C. § 300j-9, and the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9610, as well as the implementing regulations at 29 C.F.R. Part 24. A hearing is scheduled for February 28, 2023.

On April 6, 2021, Complainant filed his complaint with OSHA alleging unlawful retaliation. On April 21, 2021, OSHA dismissed the complaint as untimely. On April 29, 2021, Complainant appealed and requested a hearing with the Office of Administrative Law Judges (“OALJ”). On October 15, 2021, I granted Respondents’ motion to dismiss the complaint. On January 5, 2022, Complainant appealed to the Administrative Review Board (“ARB”). On April 18, 2022, the ARB remanded the case for further proceedings.

On December 5, 2022, Complainant filed a letter requesting that his complaint and request for a hearing be withdrawn pursuant to 29 C.F.R. § 24.111(c). Complainant requests that all prior objections be withdrawn and my decision dismissing the complaint become the final order of the Secretary of Labor or, alternatively, that his objections be withdrawn and OSHA’s dismissal become the final order of the Secretary. Complainant indicated that the case has not been settled (so no review is necessary under 29 C.F.R. § 24.111(d)), and Respondents do not object to the case being closed.

The applicable regulation provides that a party may withdraw its objections to OSHA’s findings at any time before those findings become final by filing a written withdrawal with the

ALJ, and the ALJ will determine whether to approve withdrawal of the objections. Similarly, the regulation permits a party to withdraw its petition for review of OALJ's decision at any time before it becomes final by filing a written withdrawal with the ARB, and the ARB will determine whether to approve withdrawal of the petition for review. 29 C.F.R. § 24.111(c).

Because this matter is currently pending before OALJ, I construe Complainant's motion as a request to withdraw his objections to OSHA's findings. Because Complainant is represented by counsel, and because Respondent does not object to Complainant's request to withdraw, I **APPROVE** Complainant's withdrawal of his objections. Accordingly, OSHA's findings issued on April 21, 2021, will become the final order of the Secretary in this matter. § 24.111(c). This case is hereby **DISMISSED**.

SO ORDERED.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey