

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 21 February 2007**

Case No.: 2007-SOX-00009

In the Matter of

TERRY J. BIBLE,

Complainant,

v.

GUNSTRA BUILDERS, INC.,  
BRUCE GUNSTRA,  
JOHN SWINEHART,  
JAMES MORGAN,

Respondents.

ORDER OF DISMISSAL

This proceeding arises from the complaint filed by Terry J. Bible against Gustra Builders, Inc., *et al.* under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A. The Regional Administrator, Occupational Safety & Health Administration, Chicago, Illinois, issued the findings of the Secretary of Labor on November 2, 2006, in which it was concluded the complaint should be dismissed. The complainant filed an appeal of that finding on November 29, 2006.

The respondents, through counsel, Mark D. Trainer, on January 10, 2007, filed a Motion for Summary Decision and Attorneys' Fees. By order dated January 11, 2007, I allowed the complainant ten days to file an answer in opposition to that motion.

By letter dated February 9, 2007, complainant's counsel, Matthew Foster, advises that his client is withdrawing her appeal, effective immediately. He further advises that he has communicated this to respondents' counsel, Gregory Dale, and he has no objection to the withdrawal. Pursuant to 29 C.F.R. § 1980.111(c), a withdrawal of objections to the determination of the Occupational Safety & Health Administration may be granted at any time prior to the time the determination becomes final.

ORDER

IT IS HEREBY ORDERED that the Secretary's findings of November 2, 2006 are sustained because of the complainant's withdrawal of her objections to those findings and this case is dismissed with prejudice.

**A**

DONALD W. MOSSER  
Administrative Law Judge