

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 17 August 2007

CASE NO.: 2007-SOX-00069

In the Matter of:

CHERIE M. DAVIS,
Complainant,

v.

MEDIC ALERT FOUNDATION, INC.,
Respondent.

DECISION AND ORDER OF DISMISSAL AND ORDER CANCELLING HEARING

By letter dated August 16, 2007, the Complainant in this matter has decided pursuant to 29 C.F.R. section 1980.114 to pursue her case in an alternative forum; therefore, the pending proceeding before this Office is **DISMISSED** without prejudice. Accordingly, the formal hearing scheduled for December 12, 2007, in Modesto, California, is **CANCELLED**.

So **ORDERED**.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of the administrative law judge’s decision. *See 29 C.F.R. § 1980.110(a)*. The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, and 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See 29 C.F.R. § 1980.110(c)*. Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See 29 C.F.R. § 1980.110(a)*. At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety

and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210. If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).*