

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 21 January 2009

OALJ CASE NO.: 2009-SOX-00021

In the Matter of:

BECKY TA,
Complainant,

v.

BABYCENTER, LLC,
Respondent.

DECISION AND ORDER OF DISMISSAL AND ORDER CANCELLING HEARING

This case was assigned to me on January 15, 2009. Trial is set for April 6, 2009, in San Francisco, California.

On January 20, 2009, Complainant's counsel filed a January 9, 2009, letter with this Office stating, on behalf of Complainant, that her complaint was initially filed with the Occupational Safety and Health Administration ("OSHA") on July 25, 2008, and on January 7, 2009, Complainant received OSHA's preliminary findings which Complainant has appealed to this Office. Consequently, Complainant does not anticipate receiving a final order on her complaint from this Office or the Administrative Review Board within 180 days of the filing of her complaint. Accordingly, she has decided pursuant to 29 C.F.R. section 1980.114(b) to pursue her case in an alternative forum.

For good cause found:

IT IS ORDERED that this action is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the formal hearing scheduled for April 6, 2009, in San Francisco, California, is **CANCELLED**.

A

GERALD M. ETCHINGHAM
Administrative Law Judge

San Francisco, California