



**Issue Date: 24 July 2017**

CASE NO.: 2017-STA-00008

*In the Matter of:*

ROBERT COONER,  
*Complainant,*

v.

BILLY DIMMITT d/b/a DIMMITT TRUCKING,  
and BILLY DIMMITT,  
*Respondents.*

**ORDER GRANTING MOTION TO WITHDRAW OBJECTIONS**

This matter is scheduled for hearing to begin on August 8, 2017 in Oklahoma City, Oklahoma. On July 20, 2017, Complainant filed an unopposed motion “to dismiss this proceeding, without prejudice” because he does not have the financial resources to travel from Florida to Oklahoma City to attend the hearing. It is unclear whether Complainant wishes to withdraw his complaint, or to withdraw his objection to the Secretary’s Findings and his request for hearing. I construe it as the latter. Under 29 C.F.R. § 1978.111(c), a party may withdraw objections and requests for hearing by filing written notice and, if withdrawal approved, the Secretary’s Findings become the final order of the Secretary. In this case, I find that good cause exists to approve Complainant’s request to withdraw his objections; however, I will not characterize dismissal of the complaint as with or without prejudice – that is a question for another day, should Complainant seek to pursue a hearing.

**ORDER**

Based on the foregoing, IT IS ORDERED:

1. Complainant’s request to withdraw his objections and request for a hearing is GRANTED;

2. This matter is DISMISSED; and
3. The hearing scheduled to begin on August 8, 2017 is CANCELED.

**SO ORDERED.**

PAUL C. JOHNSON, JR.  
District Chief Administrative Law Judge

PCJ, Jr./ksw  
Newport News, Virginia