



**Issue Date: 06 September 2017**

**OALJ No. 2017-STA-00020**  
**OSHA No. 8-0370-15-054**

*In the Matter of:*

**CHRISTOPHER MACAULAY,**  
*Complainant,*  
v.

**MAGNUM LTL, INC.,**  
*Respondent.*

**ORDER GRANTING WITHDRAWAL OF COMPLAINT**

On July 31, 2017, counsel for Respondent filed a Motion to Dismiss with Prejudice because of Complainant's failure to make initial disclosures or otherwise pursue his claim. Counsel also averred that Complainant told her that he (Complainant) did not wish to pursue the appeal and wanted it dismissed. Respondent's Brief at 2. Respondent requests that I dismiss the case with prejudice and without costs or attorney's fees to either party. Complainant did not reply to the motion, so I issued a show cause order to Complainant on August 28, 2017. On September 5, 2017, during a telephonic conversation with my law clerk, Complainant confirmed that he did not wish to pursue the complaint against Respondent and desired to withdraw the complaint.

Ordinarily, a party must withdraw its objections to the Assistant Secretary's findings and/or order in writing. 29 C.F.R. § 1978.111(c). Although Complainant is self-represented, he has communicated his desire to withdraw from this litigation to opposing counsel and court staff. He has also failed to maintain contact with his original representative or respond to any court orders. Accordingly, his complaint is deemed **WITHDRAWN**. The Assistant Secretary's findings and order in this matter are now the final order of the Secretary.

**- SIGNATURE ON NEXT PAGE -**

**SO ORDERED:**

**WILLIAM T. BARTO**  
Administrative Law Judge