

U.S. Department of Labor

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Issue Date: 21 September 2021

CASE NO.: 2018-STA-00043

OSHA NO.: 5-0460-17-056

In the Matter of:

RICHARD MOSQUEDA,
Complainant,

v.

ROMEO EXPEDITORS, INC.,
Respondent.

ORDER OF DISMISSAL WITH PREJUDICE

On September 2, 2021, Complainant filed a Withdrawal of Objections to Secretary's Findings and Order and Motion to Dismiss Complaint with Prejudice ("the Motion"). In the Motion, Complainant represents that he "no longer wishes to pursue this matter and there is no side agreement between the parties." He asks that the tribunal dismiss his complaint with prejudice and without costs awarded to either party. In the certificate of service accompanying the Motion, Complainant represents that the Motion was served by email and eFiled with the tribunal on September 2, 2021.

29 C.F.R. 1978.111(c) provides:

At any time before the Assistant Secretary's findings and/or preliminary order become final, a party may withdraw objections to the Assistant Secretary's findings and/or preliminary order by filing a written withdrawal with the ALJ. . . . The ALJ or the ARB, as the case may be, will determine whether to approve the withdrawal of the objections or the petition for review. If the ALJ approves a request to withdraw objections to the Assistant Secretary's findings and/or order, and there are no other pending objections, the Assistant Secretary's findings and/or order will become the final order of the Secretary. . . . If objections or a petition for review

are withdrawn because of settlement, the settlement must be submitted for approval in accordance with paragraph (d) of this section.

Complainant's Motion complies with Section 1978.111(c). Moreover, Respondent has not objected and the time to do so has passed.

Accordingly, it is **ORDERED** that:

1. Complainant's Withdrawal of Objections to Secretary's Findings and Order and Motion to Dismiss Complaint with Prejudice is **APPROVED** and **GRANTED**.

2. The hearing scheduled to commence on October 19, 2021 is **CANCELLED**.

3. Complainant's Complaint and this proceeding are **DISMISSED WITH PREJUDICE**.

SO ORDERED.

CARRIE BLAND
Associate Chief Administrative Law Judge

Washington, D.C.