

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 January 2022

OALJ Case No.: 2021-STA-00067
OSHA Case No. 6-3550-21-040

In the Matter of:

RICHARD BREMPELL,
Complainant,

v.

COMMERCIAL FITNESS CONCEPTS, LLC,
Respondent.

ORDER GRANTING REQUEST TO WITHDRAW OBJECTIONS

This matter arises under the employee protection provisions of 49 U.S.C. § 31105 of the Surface Transportation Assistance Act of 1982 (“STAA”) and the regulations of the Secretary of Labor published at 29 C.F.R. Part 1978.

On December 16, 2020, Complainant filed a complaint with the Occupational Safety and Health Administration (“OSHA”) alleging he was fired for reporting a work-place injury and refusing to drive a load because of the injury. OSHA issued a determination letter on May 19, 2021 dismissing the complaint. Complainant appealed the dismissal, and the Office of Administrative Law Judges docketed the above referenced case on June 16, 2021. It is currently set for formal hearing on April 5, 2022 in Tulsa, Oklahoma. However, on January 24, 2022, Complainant emailed the tribunal requesting to withdraw his appeal.

The rules governing withdrawal of STAA complaints provide that “[a]t any time before the . . . findings and/or preliminary order become final, a party may withdraw its objections to the . . . findings and/or preliminary order by filing a written withdrawal” with the administrative law judge, who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. 29 C.F.R. § 1978.111(c).

As no final decision has been issued in this matter, Complainant’s request for withdrawal of his objections is hereby approved. Consistent with the regulations, the May 19, 2021 OSHA Findings Determination becomes the final order of the Secretary. The above-captioned matter is hereby DISMISSED, and the April 5, 2022 hearing in Tulsa, Oklahoma is CANCELLED. All previously issued deadlines are REVOKED.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge