

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 27 April 2005**

CASE NO. 2005-AIR-00012

*In the Matter of*

David Brand,  
Complainant,

vs.

Vision Air, Inc.  
Respondent.

**Order Approving Withdrawal of Complaint**

The Complainant filed a letter withdrawing the claims he made against Vision Air, Inc. under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21),<sup>1</sup> on April 25, 2005. A withdrawal is not a unilateral act, it requires approval to “ensure that the complainant’s withdrawal is, indeed, made freely without threat of coercion or unlawful promise.” 68 F.R. 14100, 14106 (March 21, 2003) (OSHA comments on the final regulations governing these claims); 29 C.F.R. § 1979.111(c) (final regulation on withdrawal).

The Complainant, who is represented by counsel, says he wishes to pursue his claims under state law, in state court. There is no reason to believe that the withdrawal is coerced or based on any unlawful promise, so it is approved.

**A**

William Dorsey  
Administrative Law Judge

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<sup>1</sup> Public Law 106-181, now codified at Title 49, Subtitle VII, Part A, Subpart II, Chapter 421, Subchapter III, United States Code.