

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 11 April 2005

CASE NO. 2005-AIR-00002

In the Matter of:

PETER FOSTER,

Complainant,

vs.

CASINO EXPRESS AIRLINES,

Respondent.

ORDER OF DISMISSAL

This matter arises under the employee protection provision of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century, 49 U.S.C. § 42121 (“AIR 21” or “Act”). A trial in this matter is scheduled for April 25, 2005, to continue to conclusion on April 28, 2005, in Reno, Nevada. Complainant filed a “Request for Dismissal without Prejudice” on March 28, 2005. Respondent responded by letter dated April 6, 2005, stating it had no objection to dismissal without prejudice.

The regulation at 29 C.F.R. § 1979.111(c) states that “at any time before the findings or order become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge” Complainant has submitted such a withdrawal in the form of a request for dismissal without prejudice. As Respondent has not objected, Complainant’s request is hereby accepted and, consistent with the regulation, his complaint is **HEREBY DISMISSED WITHOUT PREJUDICE**, and the trial in this matter is cancelled.

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ANNE BEYTIN TORKINGTON
Administrative Law Judge