

U.S. Department of Labor

Office of Administrative Law Judges
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Pittsburgh, PA 15220

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Issue date: 26Aug2002

CASE NOS: 2002-CAA-19
2002-CAA-23

IN THE MATTER OF

DAVID LEWIS,
Complainant

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,
Respondent

RECOMMENDED DECISION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

By letter dated August 21, 2001, complainant's counsel filed Complainant's Notice of Withdrawal Without Prejudice. As of date, the respondent has not filed an answer to complainant's complaint or filed a motion for summary judgment. In such instance, voluntary dismissal of a complaint is governed by Federal Rules of Civil Procedures 41(a)(1)(i). *Mosbaugh v. Georgia Power Co.*, 90-ERA-58, (Sec'y Sept. 23, 1992).

Wherefore, for good cause shown,

IT IS ORDERED that these cases be DISMISSED without prejudice.

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DANIEL L. LELAND
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. §§ 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties, and on the Chief Administrative Law Judge, the Assistant Secretary, Occupational Safety and Health Administration, and the Associate Solicitor, Division of Fair Labor Standards. *See* 29 C.F.R. §§ 24.7(d) and 24.8.