

U.S. Department of Labor

Office of Administrative Law Judges
St. Tammany Courthouse Annex
428 E. Boston Street, 1st Floor
Covington, LA 70433-2846

(985) 809-5173
(985) 893-7351 (Fax)



Issue Date: 31 October 2008

CASE NO.: 2005-CAA-5

IN THE MATTER OF

**JOEL BROOK KING,
Complainant**

vs.

**BP PRODUCTS NORTH AMERICA, INCORPORATED,
Respondent**

**ORDER GRANTING MOTION TO WITHDRAW;
DISMISSING CASE; AND CANCELLING HEARING**

This matter involves a claim of discrimination under the Clean Air Act, 42 U.S.C. §7622. Hearing in the above-captioned matter was scheduled to commence on October 28, 2008, in Nashville, Tennessee. In correspondence filed October 20, 2008, Complainant, Joel Brook King, through counsel, advised that he wished to withdraw the complaint underlying the instant matter and pursue another course for remedies.

I find good cause to **GRANT** Complainant's motion. Accordingly, I hereby **DISMISS** the instant case, with prejudice. The hearing scheduled for October 28, 2008, was cancelled.

So ORDERED this 31st day of October, 2008, at Covington, Louisiana.

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**C. RICHARD AVERY
Administrative Law Judge**

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. *See* 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).