



**Issue Date: 26 March 2019**

CASE NO.: 2018-CAA-00001

*In the Matter of:*

BHARATH RAGHUKULTILAK,  
Complainant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
Respondent.

ORDER GRANTING COMPLAINANT'S  
REQUEST TO WITHDRAW COMPLAINT

This matter arises under the employee protection provisions of the Clean Air Act (“CAA”), 42 U.S.C. § 7622, and the regulations published at 29 C.F.R. Part 24. A hearing is scheduled for May 15 to 17, 2019, in Sacramento, California. Attorney Michael Firestone represents Complainant. Attorney Christopher Beatty represents Respondent. On March 21, 2019, Complainant submitted a motion entitled Request to Voluntarily Dismiss Complaint and Objections (“Motion”).

The matter involves Complainant’s July 6, 2018, complaint to the Occupational Safety and Health Administration (“OSHA”) about alleged retaliation due to his complaint about poor indoor air quality. OSHA dismissed the complaint on August 31, 2018, finding that Complainant did not make a prima facie showing and that a complaint about poor indoor air quality is not a protected activity under the CAA. On September 24, 2018, Complainant timely requested a de novo hearing in this office, which is set for May 2019.

On March 7, 2019, I issued an order denying the parties’ agreed motion to stay the proceeding. I additionally denied a request to continue the hearing based upon insufficient information to find good cause, but told the parties they could resubmit the continuance request with additional information to support a good cause finding. Related to the request to stay the proceeding, I told Complainant that he was not required to pursue his matter in this office and could submit a request to withdraw his complaint if he so chose. Complainant subsequently submitted the motion to withdraw. Complainant explained his reasons for filing the motion to withdraw before concluding that he “requests the ALJ to allow him to withdraw his complaint and objections to the Assistant Secretary’s findings and dismiss the matter.” Motion at 2.

Under the regulations applicable to this matter, a party may submit a request to withdraw the complaint to the assigned administrative law judge who will determine whether to approve the withdrawal of the objections. 29 C.F.R. § 24.111(c). “If the ALJ approves a request to withdraw objections to the Assistant Secretary’s findings or order, and there are no other pending objections, the Assistant Secretary’s findings and order will become the final order of the Secretary.” *Id.*

Complainant has submitted a fully supported request to withdraw his complaint under the CAA and there are no other objections pending. Based upon Complainant’s request, I grant the motion to withdraw his complaint. The Assistant Secretary’s findings dated August 31, 2018, are the final order of the Secretary. All dates are vacated. The matter is dismissed.

SO ORDERED.

RICHARD M. CLARK  
Administrative Law Judge