

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 April 2010

CASE NO: 2009-ERA-00016

In the Matter of:

SAPORITO ENERGY CONSULTANTS and
THOMAS SAPORITO,
Complainants,

v.

U.S. NUCLEAR REGULATORY COMMISSION,
Respondent.

ORDER GRANTING WITHDRAWAL OF CLAIM AND DISMISSING COMPLAINT

Complainants filed a document in this Office on March 12, 2010, by which they purportedly withdrew their Complaint in this matter under "Rule 41 of the Rules of Practice and Procedure of the Office of Administrative Law Judges, U.S. Department of Labor." As there is no such rule, I construed the document as a motion for leave to withdraw their objections to the findings of the Occupational Safety and Health Administration (OSHA) under 29 CFR § 24.111(c), and gave Respondent the opportunity to respond. On March 29, 2010, Respondent filed a response indicating that it did not object to Complainant's motion, in spite of its inherent ambiguity and in spite of Complainants' having caused Respondent to expend a great deal of time and effort in responding to the complaint. In view of Respondent's non-objection, IT IS ORDERED:

1. Complainants' motion for leave to withdraw their objections to the OSHA findings is GRANTED;
2. The objections are deemed withdrawn;
3. The complaint is DISMISSED WITH PREJUDICE; and

4. with this Order, the Secretary's September 9, 2009 Findings in this case are REINSTATED, AFFIRMED, and FINAL, and Complainants are deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters that are the subject of their complaint.

SO ORDERED.



PAUL C. JOHNSON, JR.
Administrative Law Judge

SERVICE SHEET

Case Name: SAPORITO_THOMAS_v_US_NUCLEAR_REGULATOR_

Case Number: 2009ERA00016

Document Title: **ORDER GRANTING WITHDRAWAL OF CLAIM AND DISMISSING COMPLAINT**

I hereby certify that a copy of the above-referenced document was sent to the following this 5th day of April, 2010:


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