

Exhibit 1



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
721 19th Street, Room 407
Denver, Colorado 80202-2517

Phone: (303) 844-2282

Fax: (303) 844-3759

Notice of Order and Report

In Reference To:

Secretary of Labor v. FLYING A PUMPING SERVICES, LLC

OSHRC Docket No. 25-0326

1. *Judge's Report.* The enclosed Order Terminating Proceeding acknowledges that the Secretary of Labor filed a notice of withdrawal of the citation and complaint pursuant to Commission Rule 102, 29 C.F.R. § 2200.102.¹ The Order Terminating Proceeding, together with all other papers comprising the record, shall be sent promptly to the Commission's Executive Secretary for docketing, and shall constitute the report of this Administrative Law Judge pursuant to section 12(j) of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. § 661(j).
2. *Commission Final Order.* The Order Terminating Proceeding shall become a final Order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless review thereof is directed by a Commission Member within that time. See Section 12(j) of the Act; Commission Rule 90(f), 29 C.F.R. § 2200.90(f).
3. *Correction of errors in the Judge's report.* Requests to correct clerical errors arising through oversight or inadvertence in the Order Terminating Proceeding or in other parts of the Judge's report shall be filed, by motion, with the undersigned Judge, pursuant to Commission Rule 90(b)(4)(i), 29 C.F.R. § 2200.90(b)(4)(i). Motions shall conform to Commission Rule 40, 29 C.F.R. § 2200.40.
4. *Filing with Executive Secretary.* Except for motions filed to correct errors in the Judge's report, discussed in paragraph 3 above, on or after the date that the Executive Secretary docketes the Judge's report all documents, including motions, shall be filed with the Executive Secretary at the following address. See Commission Rule 90(d), 29 C.F.R. § 2200.90(d).

**Executive Secretary
Occupational Safety and Health Review Commission
One Lafayette Centre
1120 20th Street NW, Suite 980
Washington, D.C. 20036-3457**

Dated: July 22, 2025
Denver, CO

/s/ Patrick B. Augustine
Patrick B. Augustine
Judge, OSHRC

¹ On June 10, 2019, revised Commission Rules became effective. *OSHRC Rules of Procedure (Revised), Final Rule*, 84 Fed. Reg. 14554 (April 10, 2019). (<https://www.federalregister.gov/documents/2019/04/10/2019-06581/rules-of-procedure>)



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SECRETARY OF LABOR,
Complainant,

v.

FLYING A PUMPING SERVICES, LLC,
Respondent.

OSHRC Docket No. 25-0326

ORDER TERMINATING PROCEEDING

The Secretary of Labor filed a notice of withdrawal of the citation and complaint in the above-captioned case pursuant to Commission Rule 102, 29 C.F.R. § 2200.102.² The Secretary's withdrawal of the citation resolves all remaining issues in this proceeding. *Cuyahoga Valley Ry. Co. v. United Transp. Union*, 474 U.S. 3 (1985) (holding Secretary's discretion to withdraw citation is unreviewable). Accordingly,

IT IS THEREFORE ORDERED that this proceeding is TERMINATED pursuant to Commission Rule 102, 29 C.F.R. § 2200.102.

This Order Terminating Proceeding shall become a final Order of the Commission thirty (30) days from the date of its docketing by the Executive Secretary, unless a Commission Member directs review of the order within that time. *See* 29 U.S.C. § 661(j); Commission Rule 90(f), 29 C.F.R. § 2200.90(f).

SO ORDERED.

/s/ Patrick B. Augustine

Dated: July 22, 2025
Denver, Colorado

Patrick B. Augustine
Judge, OSHRC

² As a reminder, pursuant to Commission Rule 102, the employer shall post the notice of withdrawal in the manner prescribed in Rule 7(g) for the benefit of any affected employees not represented by an authorized employee representative who are eligible to elect, but have not elected, party status.

This is to certify that on July 22, 2025, a copy of this order was sent to the parties listed below via electronic mail:

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Dated: July 22, 2025

/s/ Elaine P. Nicholas

Elaine P. Nicholas,
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Judge Patrick B. Augustine
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