

**U.S. Department of Labor**

Occupational Safety & Health Administration  
9100 Bluebonnet Centre Blvd., Suite 201  
Baton Rouge, LA 70809  
Phone: (225) 298-5458  
Fax: (225) 298-5457



September 21, 2016

Mr. David Swift  
245 Highway 1207  
Deville, LA 71328

Re: AFCO Industries/David Swift/6-0150-16-034

Dear Mr. Swift:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by you, David Swift (Complainant) against AFCO Industries (Respondent), on February 7, 2016 under Section 11(c) of the Occupational Safety & Health Act (OSHA), 29 U.S.C. 660(c).

Following an investigation by a duly-authorized Investigator, the Secretary of Labor, acting through his agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), Region VI, finds there is no reasonable cause to believe Respondent violated ACA and issues the following findings:

**Secretary's Findings**

On February 7, 2016, Complainant filed an online complaint with the Secretary of Labor alleging Respondent had harassed him. Complainant alleges he was terminated on February 12, 2016, for voicing safety concerns and for filing a Safety and Health complaint with OSHA. The complaint was timely filed.

The Complainant and Respondent are covered by (OSHA), 29 U.S.C. 660(c)3(4) and 29 U.S.C. 660)c)3(5).

The information gathered during the investigation disclosed Complainant engage in protected activity when he filed a complaint with the Baton Rouge, LA Area OSHA Office. However; there is no evidence to suggest Respondent had knowledge or reason to suspect or believe that Complainant was the one who filed the complaint.

The evidence did however support a conclusion that Respondent discharged Complainant for legitimate non-discriminatory reasons.

Therefore, OSHA does not have reasonable cause to believe Respondent violated 11c.

Consequently, this complaint is dismissed.

This case will be closed unless Complainant files an appeal by sending a letter to:

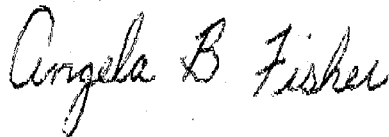
with a copy to:

Directorate of Whistleblower Protection Programs  
U.S. Department of Labor-OSHA  
200 Constitution Avenue, N.W.  
Room N-4618  
Washington, D.C. 20210

Regional Administrator  
U.S. Department of Labor-OSHA  
525 Griffin Street  
Room 602  
Dallas, TX 75202

To be considered, an appeal must be postmarked within 15 days of receipt of this letter. If this finding is appealed, the Directorate of Whistleblower Protection Programs will review the case file to ascertain whether the investigation dealt adequately with all factual issues and the investigation was conducted fairly and in accordance with applicable laws. The outcome of an appeal is either the return of the case to the investigator for further investigation, a recommendation to the Regional Solicitor's Office for litigation, or denial of the appeal, after which the case is closed.

Sincerely,



Angela B. Fisher  
Regional Supervisory Investigator  
Whistleblower Program

cc: Alan Kansas The Law Office of Alan Kansas, LLC 1801 Carol Sue Ave. Terrytown, LA 70056  
Steven M. Oxenhandler Gold Weems Bruser Sues & Rundell 2001 MacArthur Drive P.O. Box 6118  
Alexandria, LA 71307-6118