

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 13 January 2015

CASE NO.: 2015-CPS-00003

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*In the Matter of:*

**KRISTEN ROSSI,**  
Complainant,

v.

**FERRING PHARMACEUTICALS, INC.,**  
Respondent.

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**ORDER OF DISMISSAL**

This matter arises under the employee protection provisions of 15 U.S.C. § 2087 of the Consumer Product Safety Improvement Act (“CPSIA”) and Section 806 of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A (“SOX”) and the regulations of the Secretary of Labor published at 29 C.F.R. Part 1983 (2013) and 1980 (2013).

On November 19, 2014, the U.S. Department of Labor, Occupational Safety and Health Administration (“OSHA”) dismissed a whistleblower complaint filed by Kristen Rossi (“Complainant”) against Ferring Pharmaceuticals, Inc. (“Respondent”). OSHA’s denial letter, which was sent by mail to Complainant’s counsel, Victoria de Toledo, Esquire, advised the parties that they had 30 days from the receipt of OSHA’s findings to file any objections and/or a request for hearing in writing to the National Office of the Office of Administrative Law Judges (“OALJ”).

OSHA sent a courtesy copy of the denial letter to the OALJ’s National Office, which was received on November 25, 2014 and assigned the above-captioned case number. However, neither the Complainant nor the Respondent filed with the National Office written objections to the Secretary’s Findings and/or requested a formal hearing, and the 30-day deadline for filing any objections following the receipt of the denial letter has passed. 29 C.F.R. §§ 1980.106(a), 1983.106(a).

Accordingly, on December 15, 2014, the undersigned issued an Order to Show Cause Why Matter Should Not Be Dismissed (“OTSC”). The OTSC required the Complainant to submit evidence in writing within 21 days to show that she timely filed a notice of appeal in this

matter. The OTSC cautioned the Complainant that a failure to timely respond to the Order would result in a dismissal of the claim.

The 21-day deadline set forth in the OTSC has expired without any response from the Complainant. Accordingly, since there have been no objections to the Secretary's Findings or a request for a hearing filed in this matter, the present proceeding is hereby **DISMISSED** with prejudice, and the preliminary order issued by OSHA is final and not subject to judicial review. 29 C.F.R. §§ 1980.106(b), 1983.106(b) ("If no timely objection is filed with respect to either the findings or the preliminary order, the findings and/or preliminary order shall become the final decision of the Secretary, not subject to judicial review.").

**SO ORDERED.**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts