



**Issue Date: 11 May 2005**

**CASE NO.: 2004-SOX-00075**

**In the Matter of:**

**KAREN CANTWELL,  
Complainant,**

**v.**

**NORTHROP GRUMMAN CORPORATION and  
NORTHROP GRUMMAN INFORMATION TECHNOLOGY,  
Respondents.**

**RECOMMENDED FINAL ORDER OF DISMISSAL**

On April 22, 2005, Complainant Karen Cantwell, through counsel, submitted to the undersigned "Complainant's Unopposed Motion to Withdraw." In the Motion, the Complainant sought to withdraw her objections to the Findings dated August 9, 2004 of the Occupational Safety and Health Administration (OSHA) dismissing her complaint against Respondents Northrop Grumman Corporation and Northrop Grumman Information Technology pursuant to 29 C.F.R. §1980.111(c).

Under section 1980.111(c) of title 29, C.F.R.:

(c) At any time before the findings or order become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge or, if the case is on review, with the [Administrative Review] Board. The judge or the Board, as the case may be, will determine whether the withdrawal will be approved. If the objections are withdrawn because of settlement, the settlement will be approved in accordance with paragraph (d) of this section.

As it was unclear whether a settlement was involved, the undersigned administrative law judge had her law clerk contact counsel for the Complainant to ascertain whether there was a settlement. *Compare Hoffman v. Fuel Economy Contracting*, 1987-ERA-33 (Sec'y Aug. 4, 1989) (Order) (requiring that settlement in whistleblower cases brought under the Energy Reorganization Act be reviewed to determine whether they are fair, adequate and reasonable) *with Indiana Dept. of Workforce Development v. U.S. Dept. of Labor*, 1997-JTP-15 (Admin. Review Bd. Dec. 8, 1998) (holding ALJ has no authority to require submission of settlement agreement in Job Training Partnership case when parties have stipulated to dismissal under Rule

41(a)(1)(ii), FRCP, and contrasting ERA cases.) Counsel verified that no settlement was involved.

Accordingly, good cause having been shown, Complainant's request for withdrawal of her hearing request will be granted and this case will be dismissed. The findings of OSHA on August 9, 2004 that the complaint "does not alleged fact and evidence to meet all the required elements of a *prima facie* case of discrimination under CCFA [the Corporate and Criminal Fraud Accountability Act of 2002, 18 U.S.C. Section 1514A]" will therefore become final.

## ORDER

**IT IS HEREBY ORDERED**, that Complainant's Unopposed Motion to Withdraw be, and hereby is, **GRANTED**, and this case be, and hereby is, **DISMISSED WITH PREJUDICE**.

**A**

PAMELA LAKES WOOD  
Administrative Law Judge

Washington, D.C.

**NOTICE OF APPEAL RIGHTS:** To appeal you must file a petition for review (Petition) within ten business days of the date of the administrative law judge's decision with the Administrative Review Board ("Board"), U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. Your Petition must specifically identify the findings, conclusions or orders you object to. You waive any objections you do not raise specifically.

At the time you file the Petition with the Board you must serve it on all parties, and the Chief Administrative Law Judge; the Assistant Secretary, Occupational Safety and Health Administration; and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If you do not file a timely Petition, this decision of the administrative law judge becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.110. Even if you do file a Petition, this decision of the administrative law judge becomes the final order of the Secretary of Labor unless the Board issues an order within 30 days after you file your Petition notifying the parties that it has accepted the case for review. See 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).