

U.S. Department of Labor

Office of Administrative Law Judges
Heritage Plaza Bldg. - Suite 530
111 Veterans Memorial Blvd
Metairie, LA 70005

(504) 589-6201
(504) 589-6268 (FAX)



Issue Date: 13 September 2004

CASE NO.: 2004-SOX-70

IN THE MATTER OF

MICHAEL NELSON

Complainant

v.

PFIZER, INC.

Respondent

**ORDER OF DISMISSAL AND
CANCELLING FORMAL HEARING**

This proceeding arises under the Sarbanes-Oxley Act of 2002, technically known as the Corporate and Criminal Fraud Accountability Act, P.L. 107-204 at 18 U.S.C. § 1514A et seq., (herein SOX or the Act), and the regulations promulgated thereunder at 29 C.F.R. Part 1980, which are employee protective provisions.

The Complainant requested a hearing based upon the Secretary's findings that Complainant's complaints of discrimination against Respondent in violation of the employee protective provisions of the Act were not meritorious.

The Act provides that a complainant may file a complaint in the United States District Court, if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the Complainant. See 18 U.S.C. § 1514A(b)(1)(B) and 29 C.F.R. § 1980.114(a) and (b).

On September 7, 2004, Complainant filed a Motion for Voluntary Dismissal pursuant to 29 C.F.R. § 1980.114 expressing an intent to file an action in a district court of the United States.

On September 8, 2004, a conference call was held with the parties in which Respondent expressed no substantive opposition to the dismissal of this case.

Accordingly, Complainant's Motion for Voluntary Dismissal is hereby **GRANTED** and the formal hearing scheduled for October 13, 2004 is hereby **CANCELLED**.

ORDERED this 13th day of September, 2004, at Metairie, Louisiana.

A

LEE J. ROMERO, JR.
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: This decision shall become the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.110, unless a petition for review is timely filed with the Administrative Review Board ("Board"), U.S. Department of Labor, Room S-4309, 200 Constitution Ave., N.W., Washington, D.C. 20210, and within 30 days of the filing of the petition, the ARB issues an order notifying the parties that the case has been accepted for review. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily shall be deemed to have been waived by the parties. To be effective, a petition must be filed within ten business days of the date of the decision of the administrative law judge. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing; if the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt. The petition must be served on all parties and on the Chief Administrative Law Judge at the time it is filed with the Board. Copies of the petition for review and all briefs must be served on the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, D.C. 20210. See 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b), OSHA, Procedures for the Handling of Discrimination Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title

VIII of the Sarbanes-Oxley Act of 2002; Interim Rule, 68 Fed. Reg. 31860 (May 29, 2003).