

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 12 October 2005

Case No.: 2005-SOX-0079

In the Matter of:

DAN GILBERT,
Complainant,

v.

STORED VALUE SYSTEMS/
COMDATA CORPORATION/
CERIDIAN CORPORATION,
Respondents.

ORDER OF DISMISSAL

On December 28, 2004, Complainant Dan Gilbert filed a complaint in which he alleged that Respondents Stored Value Systems, Comdata Corporation, Ceridian Corporation violated the whistleblower protection provisions of the Sarbanes-Oxley Corporate and Criminal Accountability Act of 2002 (the Act), 18 U.S.C. §1514A. On October 6, 2005, Complainant filed a Notice of Intention to File an Action at Law or Equity for De Novo Review in the Appropriate District Court of the United States.

The Act provides that a complainant may file a complaint in United States District Court if the Secretary of Labor has not issued a final decision within 180 days of the filing of the initial complaint to the Occupational Safety and Health Administration and there is no showing that such delay is due to the bad faith of the complainant. 18 U.S.C. §1514A(b)(1)(B) and 29 C.F.R. §1980.114(a). The complainant is required to file a notice of his intent to proceed in District Court fifteen days in advance of his filing in federal court and this notice must be served on all parties to the proceeding and the administrative law judge. 29 C.F.R. §1980.114(b).

Mr. Gilbert's complaint was filed with the Department of Labor on December 28, 2004 and he was entitled to file in District Court as of June 27, 2005. Therefore, this matter is hereby DISMISSED and the hearing set for November 8, 2005 in Louisville, Kentucky is CANCELLED.

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LARRY PRICE
Administrative Law Judge

LWP/LPR
Newport News, Virginia