

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 29 March 2006**

Case No.: 2005-SOX-00076

In the Matter of:

JASON SPIESMAN,  
Complainant,

v.

IBM CORP.,  
Employer.

**ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT**

On March 17, 2006, the parties filed by fax, a Joint Motion to Withdraw/Dismiss Charge in this case, which was brought under the employee protection provisions of the Sarbanes-Oxley Act. Under the regulations applicable to such claims, at 29 C.F.R. § 1980.111 (c).

At any time before [OSHA's] findings 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.... The judge ... will determine whether to approve the withdrawal. If the objections are withdrawn because of settlement, the settlement will be approved in accordance with paragraph (d) of this section.

Accordingly, I cannot just dismiss the case. Instead, I must first determine whether to approve the settlement.

I have reviewed the settlement agreement, and see no reason why it should not be approved. The settlement appears to be in compliance with the law and not against public policy. Moreover, the complainant is represented by counsel who approved the settlement and; therefore, I presume it adequately protects the interests. Under these conditions,

**IT IS ORDERED** that the settlement agreement is approved and the complaint is dismissed with prejudice.

SO ORDERED

**A**

Daniel A. Sarno, Jr.  
Administrative Law Judge

DAS/dlh

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review (“Petition”) that is received by the Administrative Review Board (“Board”) within thirty (30) calendar days of the date of issuance of the administrative law judge’s decision. *See* 20 C.F.R. § 655.845(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file the Petition with the Board, you must serve it on all parties as well as the administrative law judge. *See* 20 C.F.R. § 655.845(a). If no Petition is timely filed, then the administrative law judge’s decision becomes the final order of the Secretary of Labor. Even if a Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R.