



Issue Date: 07 October 2010

CASE NO.: 2010-SOX-00043

IN THE MATTER OF

SHARON O'BRYAN
Complainant

v.

OLD SECOND BANCORP, INC./
OLD SECOND NATIONAL BANK
Respondent

RECOMMENDED FINAL ORDER OF DISMISSAL

The present case was brought by Complainant under the employee protection provisions of the Sarbanes-Oxley Act of 2002 (the Act), 18 U.S.C. Section 1514 and its implementing regulations at 29 C.F.R. Part 1980. By letter dated September 24, 2010, Complainant through counsel requested permission to withdraw her complaint as she did not wish to pursue her claim against Respondent.

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 If the objections are withdrawn because of settlement, the settlement will be approved in accordance with paragraph (d) of this section.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 the Secretary's Findings are not final and a written withdrawal has been filed, approval of the withdrawal is appropriate. Although Complainant has indicated a desire to withdraw her claim, he is actually withdrawing his hearing request. Accordingly, good cause having been shown, Complainant's request for withdrawal will be granted and this case will be dismissed.

ORDER

IT IS HEREBY ORDERED, that Complainant's letter motion to withdraw be, and hereby is, **GRANTED**, and this case be, and hereby is, **DISMISSED WITH PREJUDICE**.

IT IS HEREBY FURTHER ORDERED that the hearing in this matter which was scheduled to be heard on **November 3, 2010** at 9:00 a.m., in **Chicago, Illinois**, is hereby **CANCELLED**.

A

CLEMENT J. KENNINGTON
Administrative Law Judge

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.