

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 26 June 2012**

Case No.: 2012-SOX-00027

In the Matter of

**TARIQ HASSAN**  
Complainant

v.

**CITIGROUP GLOBAL MARKETS, INC.**  
**and JPMORGAN CHASE BANK, NATIONAL ASSOCIATION<sup>1</sup>**  
Respondents

ORDER OF DISMISSAL

This matter arises out of a retaliation complaint filed pursuant to the employee protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514(A) (“SOX”). Governing regulations are at 29 C.F.R. Part 1980.

Under 29 C.F.R. § 1980.110(a), the Administrative Review Board has been delegated to act for the Secretary and issue final decisions. When the Secretary has not issued a final decision within 180 days of the filing of the original complaint and the delay is not due to the bad faith of the employee, the employee is authorized to file an action for *de novo* review in the appropriate United States District Court. 18 U.S.C. § 1514A(b)(1)(B).

On June 21, 2012, counsel for Claimant notified me that he intended to file an original action in District Court. Claimant filed a complaint with the United States District Court for the Southern District of New York June 19, 2012 and has forwarded a copy to this office.

The filing of an action in United States District Court deprives the Office of Administrative Law Judges of jurisdiction. See Stone v. Duke Energy Corp., 432 F.3d 320 (5<sup>th</sup> Cir. 2005); see also Kelly v. Sonic Automotive, Inc., ARB No. 08-027 (Dec. 17, 2008). I therefore order the instant matter DISMISSED.

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<sup>1</sup> As per Respondent’s counsel’s request, the caption is amended as reflected above.

SO ORDERED.

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**LYSTRA A. HARRIS**  
Administrative Law Judge

Cherry Hill, New Jersey