

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 December 2013

Case No.: 2012-SOX-00017

In the Matter of:

JULIE LANCASTER,

Complainant,

v.

SUNTRUST INVESTMENT SERVICES/
SUNTRUST BANK,

Respondents.

ORDER OF DISMISSAL WITH PREJUDICE

This case arises under Section 806 (the employee protection provision) of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (Act), 18 U.S.C.A. § 1514A¹, and its implementing regulations found at 29 CFR Part 190. Section 806 provides “whistleblower” protection to employees of publicly traded companies against discrimination by employers in the terms and conditions of employment because of certain “protected activity” by the employee. The OSHA investigative report indicates that the Complainant filed this current complaint on December 17, 2010. The complaint was denied by the Regional Administrator, Occupational Safety and Health Administration, Atlanta, Georgia, on March 6, 2012. The Complainant filed her subsequent request for hearing before an Administrative Law Judge on April 12, 2012.

On July 30, 2012, the parties jointly agreed to resolve the dispute in controversy between them through binding arbitration in accordance with the Federal Arbitration Act. An Order was issued by Judge Richard K. Malamphy, U. S. Department of Labor, ordering the claims pending before

¹ VIII of the SOX is designated the Corporate and Criminal Fraud Accountability Act of 2002. Section 806, the employee protection provision, protects employees who provide information to a covered employer or a Federal agency or Congress relating to alleged violations of 18 U.S.C.A. §§ 1341 (mail fraud), 1343 (wire, radio and television fraud), 1344 (bank fraud) or 1348 (securities fraud), or any rule or regulation of the Securities and Exchange Commission, or any provision of federal law relating to fraud against shareholders.

the U. S. Department of Labor be submitted to binding arbitration, and that per the parties' agreement, the decision of the Arbitrator shall be final and binding and subject to appeal in Federal court only. The parties advised on May 15, 2013 that "the parties are engaged in binding arbitration of this matter and a related matter before the United States District Court for the Eastern District of North Carolina, Civil Action No.7:12-cv-00142-H." On December 9, 2013, an Order Requiring Status Report was issued by the undersigned. On December 18, 2013, counsel for the complainant notified the undersigned that "all matters arising from the Sarbanes-Oxley Act of 2002, and involving these parties have been finally decided in binding arbitration. Accordingly, the Complainant, with consent of the Respondents, notifies the Office of Administrative Law Judges that this claim should be dismissed with prejudice."

ORDER

In view of the foregoing, **IT IS HEREBY ORDERED** that:

The Complainant's request for dismissal of the complaint is GRANTED and the complaint is DISMISSED WITH PREJUDICE.

DANA ROSEN
Administrative Law Judge

DR/jcb
Newport News, Virginia