

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 29 July 2013

Case No.: 2012-SOX-00032

In the Matter of:

BENJAMIN G. LANG,

Complainant,

v.

**IBM CORPORATION and
DEBBIE BANDERA, MATTHEW ELLIS and
DENNIS QUAN, individuals,**

Respondents.

ORDER DISMISSING REQUEST FOR HEARING

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 (SOX), as amended, 18 U.S.C.A. § 1514A, and its implementing regulations found at 29 CFR Part 1980. The claim was referred to the Office of Administrative Law Judges for formal hearing upon appeal by Complainant of the June 27, 2012, Occupational Safety and Health Administration determination that there was no reasonable cause to believe the Respondent violated SOX.

On July 25, 2013, the Complainant filed "Complainant's Motion to Dismiss Action without Prejudice and Seal any documents Referencing Complainant's Medical Condition, Records, and/or Session Notes."

In view of all the foregoing, **the Complainant's request to withdraw his complaint under the SOX is GRANTED and the request for hearing is DISMISSED.** Pursuant to 20 CFR §1980.111(c), the June 27, 2012, Occupational Safety and Health Administration determination is the Secretary's final order on the complaint.

PROTECTIVE ORDER

Pursuant to 29 CFR §18.15 and 29 CFR §18.29, the Parties are directed not to reveal, divulge, use, or otherwise disclose to a non-party any information in their possession which was provided by the opposing Party during the course of these proceedings, unless subsequent legal action(s) are instituted in an appropriate court of law or administrative proceeding and the presiding judge/officer grants relief from this protective order.

ALAN L. BERGSTROM
Administrative Law Judge

ALB/jcb
Newport News, Virginia