



Issue Date: 21 July 2020

ARB Nos. 15-038, 15-040, 16-014
ALJ No.: 2012-SOX-037

In the Matter of:

CRISELL SEGUIN,

Complainant,

v.

NORTHROP GRUMMAN SYSTEMS CORP.,

Respondent.

BEFORE: Stephen R. Henley, Chief Administrative Law Judge

**ORDER DISMISSING ADMINISTRATIVE COMPLAINT
and ENTERING JUDGMENT IN FAVOR OF RESPONDENT**

This case arises under the employee whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (SOX or Act), 18 U.S.C.A § 1514A, and the implementing regulations at 29 C.F.R. Part 1980.

On May 18, 2017, the Administrative Review Board (ARB) affirmed the Administrative Law Judge's (ALJ) Decision and Order in favor of Complainant. *Seguin v. Northrop Grumman Systems Corp.*, ARB No. 15-038, -040, ALJ No. 2012-SOX-00037 (ARB May 18, 2017). On May 20, 2017, the ARB affirmed the ALJ's Supplemental Decision and Order Awarding Attorney's Fees and Costs. *Seguin v. Northrop Grumman Systems Corp.*, ARB No. 16-014, ALJ No. 2012-SOX-00037 (ARB May 30, 2017). On October 4, 2017, the ARB awarded attorney's fees and costs to Complainant with respect to proceedings before the ARB. *Seguin v. Northrop Grumman Systems Corp.*, ARB No. 16-014, ALJ No. 2012-SOX-00037 (ARB Oct. 4, 2017). Both parties filed petitions for review by the Fourth Circuit Court of Appeals.

On June 13, 2019, the Fourth Circuit held that Ms. Seguin had not engaged in protected activity under SOX. *Northrop Grumman Systems Corp. v. United States Department of Labor*,

927 F.3d 226 (4th Cir. 2019). The court “vacate[d] the orders of the ARB and the ALJ[,] and remand[ed] the case to the ALJ with instructions to dismiss Ms. Seguin’s administrative complaint and enter judgment in favor of Northrop [Grumman].” *Id.* at 236. The court issued its mandate on August 30, 2019.¹

On October 4, 2019, Seguin filed a motion to place her two petitions for review with the Fourth Circuit—which were about scope of relief and attorney’s fees—in abeyance pending the Supreme Court’s disposition of a petition for certiorari she intended to file in the related liability case.

On January 9, 2020, the Fourth Circuit denied Seguin’s motion to hold in abeyance her petitions for review because the time for filing a petition for certiorari had expired without Seguin filing such a petition. The court then dismissed Seguin’s petitions for review finding that these matters were moot in view of the court’s earlier decision in *Northrop Grumman*, remanding the case with instructions to the ALJ to dismiss the administrative complaint and enter judgment in favor of Northrop. *Seguin v. United States Dep’t of Labor*, No. 17-1887, No. 17-2259 (4th Cir. Jan. 9, 2020) (per curiam) (unpublished) (2020 U.S. App. LEXIS 897).

On April 21, 2020, the Fourth Circuit denied Seguin’s petition for rehearing and rehearing en banc. On April 29, 2020, the Fourth Circuit issued its mandate on Case No. 17-1887 stating that its judgment, entered on January 9, 2020 took effect that day – that is, April 29, 2020. Accordingly, the matter is now ripe for final action on remand by the Office of Administrative Law Judges.

Based on the foregoing, **IT IS ORDERED** that Complainant’s administrative complaint is **HEREBY DISMISSED** and that judgment is entered in favor of Respondent.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

¹ Administrative Law Judge Daniel Solomon presided over this matter prior to the remand. Judge Solomon, however, is retired. Hence, Chief Administrative Law Judge Stephen R. Henley is handling the remand proceeding.