

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 29 January 2015

ALJ NO.: 2014-SOX-00047

MARGARET CECCHETELLI,
Complainant,

v.

TRIUMPH ENGINE CONTROL SYSTEMS, LLC,
GOODRICH PUMP AND ENGINE.
Respondents.

**ORDER DISMISSING COMPLAINT BASED ON LACK OF JURISDICTION,
BECAUSE COMPLAINANT HAS FILED ACTION IN DISTRICT COURT**

This proceeding arises from a complaint of discrimination filed under 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.A. § 1514A (West 2004) and the procedural regulations found at 29 C.F.R. Part 1980 (2004).

By submission dated January 8, 2015, through counsel, Complainant notified me that she intended to file an original action in United States District Court, pursuant to 18 U.S.C. § 1514A(b) and 29 C.F.R. § 1980.114. On January 28, 2015, through counsel, Complainant submitted a copy of her docketed District Court complaint as required by 29 C.F.R. § 1980.114(b). Her action was filed in the United States District Court, District of Connecticut, on January 28, 2015 (Cecchetelli v. Triumph Engine Control Systems, LLC (No. 3:15-CV-00113)).

As the Complainant has filed a complaint in District Court based on the same facts that constituted her action before the Office of Administrative Law Judges, jurisdiction in the latter has been divested. *See Stone v. Duke Energy Corp*, 432 F.3d 320 (5th Cir. 2005); *see also Kelly v. Sonic Automotive, Inc.*, ARB No. 08-027 (Dec. 17, 2008).

Because I no longer have jurisdiction over the instant matter, the claim is hereby **DISMISSED with prejudice**, and the hearing scheduled for February 9, 2015, in Hartford, Connecticut is **CANCELED**.

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts