



**Issue Date: 09 December 2015**

Case No.: 2014-SOX-00029

*In the Matter of:*

**LISA LAMB,**  
*Complainant,*

v.

**ROCKWELL AUTOMATION, INC.,**  
*Respondent.*

**ORDER OF DISMISSAL**

On November 30, 2015, I received Complainant's Notice of Intent to Withdraw Complaint for Purposes of Proceeding in U.S. District Court (the "Notice"). (I previously had received this document by email on November 23, 2015.) The Notice states that Complainant intends to withdraw her complaint in this matter for the purposes of filing a complaint in U.S. District Court. On December 4, 2015, I received a copy of Complainant's complaint filed in the Eastern District of Wisconsin on November 27, 2015. (I previously had received this document by email on December 1, 2015.)

This matter arises under the employee protection provisions of the Sarbanes-Oxley Act of 2002 (the "Act"), 18 U.S.C. § 1514A. The statute provides:

A person who alleges discharge or other discrimination in violation of subsection (a) may seek relief under subsection (c), by –

(A) filing a complaint with the Secretary of Labor; or

(B) if the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

18 U.S.C. §1514A(b)(1). The corresponding regulation is found at 29 C.F.R. § 1980.114. The regulation requires that "[w]ithin seven days after filing a complaint in federal court, a complainant must file with ... the ALJ ... a copy of the file stamped complaint" and the

complainant must also serve a copy of the complaint on certain other officials. 29 C.F.R. § 1980.114(c).

Complainant filed her Complaint with OSHA on June 13, 2013. No decision has been issued within 180 days of the filing of the complaint, and the delay was not caused by bad faith of the Complainant. Accordingly, Complainant has a right to file a complaint in federal district court. 18 U.S.C. § 1514A(b)(1); 29 C.F.R. § 1980.114(a). If the Complainant commences an action in federal district court, the Secretary of Labor will no longer have jurisdiction over this matter. *See Stone v. Duke Energy Corp.*, 432 F.3d 320 (4th Cir. 2005) (case below 2003-SOX-12).

As the Complainant has filed a complaint in U.S. District Court, this case is being dismissed with prejudice.

**ORDER**

IT IS HEREBY ORDERED that the complaint filed by Complainant Lisa Lamb under the Sarbanes-Oxley Act is DISMISSED WITH PREJUDICE.

**SO ORDERED.**

**PAUL R. ALMANZA**  
Administrative Law Judge

Washington, D.C.