

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 28 July 2014

Case No.: 2014-SOX-00014

In the Matter of:

BARBARA A. LAUBENSTEIN,
Complainant,

v.

CONAIR CORPORATION,
Respondent.

ORDER OF DISMISSAL AND ORDER CANCELLING HEARING

This matter arises under the employee protection provisions of § 806 of the Corporate and Criminal Fraud Accountability Act of 2002 (CCFA), Title VIII of the Sarbanes-Oxley Act of 2002 (SOX), 18 U.S.C. § 1514A. Pursuant to a Notice of Hearing and Prehearing Order issued on June 2, 2014, a hearing is set to commence on March 10, 2015, in Little Rock, Arkansas.

A Complainant may remove her case to a Federal District Court if a final decision has not been issued “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. . . .” 18 U.S.C. § 1514A(b)(1)(B). In this matter, 180 days have already passed since the Complainant filed her complaint on December 30, 2013, and no final decision has been rendered and there is no indication of bad faith on the part of Complainant. Additionally, on July 22, 2014, this Court received a document from Complainant’s counsel providing notice that on July 16, 2014, Complainant filed a civil suit in this matter in the U.S. District Court for the Western District of Arkansas. Accordingly, I am cancelling the hearing and dismissing Ms. Laubenstein’s complaint because this matter is no longer before the Office of Administrative Law Judges.

ORDER

Accordingly, **IT IS HERBY ORDERED** that the complaint filed by Complainant with the Department of Labor on December 30, 2013, under the Sarbanes–Oxley Act and pending before the office of Administrative Law Judges is **DISMISSED. IT IS FURTHER ORDERED** that the hearing scheduled to commence on March 10, 2015, in Little Rock, Arkansas, is **CANCELLED.**

LARRY S. MERCK
Administrative Law Judges