



Issue Date: 06 May 2014

CASE NO.: 2014-SOX-0000024

In the Matter of

BLASINE PENKOWSKI

Complainant

v.

ABBVIE, INC.

Respondent

ORDER DISMISSING CASE,
BASED ON COMPLAINANT'S UNOPPOSED
MOTION TO WITHDRAW COMPLAINT

This matter arises under Section 806 (the employee protection provision) of the Sarbanes-Oxley Act of 2002, as amended ("SOX" or "the Act"), 18 U.S.C. §1514A, and its implementing regulations found at 29 CFR Part 1980 and Part 18, Subpart A. The Complainant and the Respondent are represented by counsel.

Under cover of letter dated April 15, 2014, counsel for the Complainant stated that the Complainant seeks to withdraw the Complainant's objections to the Assistant Secretary's findings under 29 C.F.R. § 1980.111(c). Complainant's counsel requested approval of the withdrawal request. I will construe the Complainant's request as a motion. See 29 C.F.R. § 18.6(b). The Respondent has not filed any opposition to the Motion, and the time for filing any opposition has passed. Id. Accordingly, I will presume that the Complainant's Motion is unopposed.

On April 18, 2014, I issued an Order that cancelled the hearing and also requested that the Complainant clarify the nature of the withdrawal request. Among other things, the Order informed the parties that my action in approving the withdrawal of the Complainant's complaint will constitute a Final Order of the Secretary. See 29 C.F.R. § 1980.111(c).

Under cover of letter dated April 22, 2014, Complainant's counsel stated the following: "Complainant seeks to withdraw this case in order to file a complaint in a United States District Court pursuant to 18 U.S.C. § 1514A(b)(1)(B) and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 15 U.S.C. § 78u-6(h). The Complainant did not request that I withhold action on her request to withdraw her complaint under after she has filed her district

court action. The Respondent has not filed any submission in response to the Complainant's clarification.

I GRANT the Complainant's request to withdraw her complaint, and I DISMISS this matter.

SO ORDERED.

Adele H. Odegard
Administrative Law Judge

Cherry Hill, New Jersey