

U.S. Department of Labor

Office of Administrative Law Judges
800 K Street, NW, Suite 400-N
Washington, DC 20001-8002

(202) 693-7300
(202) 693-7365 (FAX)



Issue Date: 22 May 2015

OALJ Case No.: 2015-SOX-00009

In the Matter of:

**JASON NIEMAN,
Complainant**

v.

**ILLINOIS MUNICIPAL LEAGUE
Respondent**

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS,
CANCELLING HEARING AND DISMISSING CLAIM**

This proceeding arises under the employee protection provisions in Section 806 of the Sarbanes-Oxley Act of 2002, codified at 18 U.S.C. § 1514A (“SOX” or “the Act”), and applicable regulations issued at 29 C.F.R. Part 1980 (2010).

On or about January 2, 2015, Complainant filed a complaint with the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) alleging his employer, the Illinois Municipal League (“Respondent”), retaliated against him by denying him a promotion after he raised concerns regarding “reserve manipulation.” After conducting an investigation, the Secretary of Labor, acting through the Regional Administrator for the Occupational Safety and Health Administration’s Chicago, Illinois office, issued a final determination letter on or about February 26, 2015, dismissing the complaint.¹ On March 11, 2015, Complainant filed objections to the *Secretary’s Findings*. By notice issued March 25, 2014, this matter is currently scheduled for formal hearing on September 15, 2015 in Springfield, Illinois.

On May 6, 2015, Complainant filed a “Stipulated Motion to Voluntarily Dismiss This Action” submitting that “the parties have negotiated an amicable conclusion to all disputes” and

¹ The Secretary’s determination letter is undated. However it was received by this Office on February 26, 2015. OSHA determined that Respondent, as a not-for-profit government sector lobbying organization, is not a covered entity under the Act.

requests “that this honorable court quash all scheduling and/or administrative orders and dismiss this action with prejudice.” The stipulation is signed by Complainant and counsel for Respondent. The parties did not submit a copy of any proposed settlement agreement.

The rules governing withdrawal of SOX complaints provide that “at any time before the ... findings and preliminary order become final, a party may withdraw its objections to the ... findings and/or preliminary order by filing a written withdrawal with the administrative law judge,” who shall then determine whether to affirm any portion of the findings or preliminary order or approve the withdrawal. However, if the withdrawal of objections is based on a settlement, the settlement must be submitted to the ALJ for approval. 29 C.F.R. § 1980.111(c). As the parties have not submitted to the court the terms of the proposed settlement agreement, I will treat the stipulated motion as an unopposed request by Complainant to withdraw his objections to the February 26, 2015 final determination letter. Upon review of the entire record and for good cause shown, said request to withdraw is hereby GRANTED. Accordingly,

Order

IT IS HEREBY ORDERED that the hearing in the instant case scheduled for September 15, 2015 in Springfield, Illinois be, and is hereby, CANCELLED.

Consistent with the regulations, the Secretary’s findings are affirmed in their entirety and the above captioned matter is hereby DISMISSED with prejudice without costs or attorney’s fees awarded to either party.

SO ORDERED:

STEPHEN R. HENLEY
Administrative Law Judge