



**Issue Date: 08 August 2016**

**IN THE MATTER OF:**

Unknown/Hinds.

Case No.: 2016-SOX-00017

**ORDER OF DISMISSAL**

On February 17, 2016, the undersigned issued an *Order to Show Cause*, requiring the Complainant to identify the organizations referenced in the complaint that are alleged to have retaliated against her. Susan M. Hinds ("Complainant") replied on March 21, 2016, and failed to properly reply to the undersigned's request to show proof of the date of receipt of the Assistant Secretary's *Findings and Order* and to identify the organizations referenced in the complaint that are alleged to have retaliated against her.

By the guidance in 29 C.F.R. § 1980.106(a), a complainant has 30 days from the date of receipt of the *Findings and Order* to file objections and/or a request for a hearing on the record. Here, the *Findings and Order* was issued on November 12, 2015. Complainant states that she received the *Findings and Order* on November 30, 2015 because the "holiday season mail is generally slower." Complainant filed her objections and request for a formal hearing on December 30, 2015.

Complainant's March 21, 2016 reply fails to properly reply to the undersigned's request to show proof of the date of receipt of the Assistant Secretary's *Findings and Order*. Complainant did not provide a date stamp on the fax provided. The date simply changed from December 30, 2015 to December 11, 2015. Therefore, there is no information in the case record to excuse the Complainant from filing an untimely request for a hearing.

Moreover, under 29 C.F.R. § 1980.101, a complaint filed under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, requires that an employer and/or

the company or company representative who is alleged to have violated the act be named in the complaint. Here, the Complainant has not provided in her complaint, the identity of the organizations that are alleged to have retaliated against her. Moreover, 29 C.F.R. § 1980.106(a), requires that objections filed with OALJ be served to the other parties in the complaint. Because the alleged organizations have again not been named in the complaint, they have likewise not been served a copy of the complaint.

Further, under 29 C.F.R. § 1980.107(b) , upon receipt of an objection and request for hearing, the undersigned is required to notify the parties, by certified mail, of the day, time, and place of hearing. Therefore, the undersigned is still unable to contact the alleged organizations referenced in the complaint.

There is no information in the case record to excuse the Complainant from not providing the names of the alleged organizations. Accordingly,

Complainant's complainant and/or request for hearing was filed more than 30 days from the date of receipt of the *Findings and Order*. Under 29 C.F.R. § 1980.106(b), OSHA's *Findings and Order* is the final decision of the Secretary, not subject to judicial review. In light of the foregoing, it is hereby **ORDERED** that this matter is **DISMISSED**.

**WILLIAM S. COLWELL**

Associate Chief Administrative Law Judge

Washington, D.C.  
WSC:LDG