

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 July 2016

Case No.: 2016-SOX-00008
OSHA No.: 3-0050-15-013

In the Matter of:

WILLIAM McCOWAN,
Complainant,

v.

ENGILITY HOLDINGS, INC.,
Respondent.

ORDER OF DISMISSAL

On October 25, 2015, the Acting Regional Administrator issued the “Secretary’s Findings,” dismissing Complainant’s complaint. On November 17, 2015, the Complainant filed his “Objections to OSHA’s Findings and Request for Hearing.” This matter was docketed for a hearing before the United States Department of Labor, Office of Administrative Law Judges (“OALJ”) pursuant to Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (“SOX”), as amended, 18 U.S.C. § 1514A, and the implementing regulations at 29 C.F.R. Part 1980. Pursuant to my April 12, 2016 Order, and the case was scheduled for a 5-day hearing beginning on October 24, 2016.

On July 5, 2016, I received a “Joint Stipulation of Dismissal,” signed by both counsel, requesting dismissal of the above-captioned matter with prejudice. Pursuant to 29 C.F.R. § 1980.111(c):

a party may withdraw its objections to the Assistant Secretary’s findings and/or order by filing a written withdrawal with the ALJ.... If the ALJ approves a request to withdraw objections to the Assistant Secretary’s finding or order, and there are no other pending objections, the Assistant Secretary’s findings and order will become the final order of the Secretary.

I find that the parties are both represented by counsel and have knowingly and voluntarily made this request. There is no indication that the withdrawal of objections is being made pursuant to a settlement agreement, which would require approval. The parties’ request is thus

GRANTED and this matter is hereby **DISMISSED WITH PREJUDICE**. The hearing scheduled for October 24, 2016, is **CANCELLED**.

SO ORDERED.

CARRIE BLAND
Administrative Law Judge

Washington, D.C.