



Issue Date: 13 September 2016

**Case No.: 2016-SOX-00009
2016-SOX-00010**

In the Matter of

**JACOB SUBLETT
Complainant**

and

**TOMMY MORTON
Complainant**

v.

**TRANE, INC.
Respondent**

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

1. Nature of Motion. Pursuant to 20 C.F.R. § 18.33, Complainants filed a “Notice of Withdrawal” of the above-captioned claim. Employer did not file an objection to Complainants’ motion.

2. Findings of Fact and Procedural History.

a. On April 28, 2015, Complainants filed a complaint with the Occupational Safety and Health Administration (OSHA) alleging Respondent terminated Complainants in violation of the Sarbanes-Oxley Act of 2002 (SOX), 18 U.S.C. § 1514A, and the implementing regulations, 29 C.F.R. Part 1980. After conducting an investigation, the Secretary of Labor, acting through the Regional Administrator for OSHA, concluded there was no reasonable cause to believe Respondent violated SOX and issued a final determination letter dismissing the complaint. On November 20, 2015, the matter was referred to the Office of Administrative Law Judges (OALJ) for a hearing and decision.

b. On March 9, 2016, the undersigned issued a Notice of Hearing and Prehearing Order, which set the case for hearing on October 3-6, 2016 in Lubbock, Texas.

c. On September 9, 2016, Complainants filed a “Notice and Motion to Withdraw Complaints And/Or Objections Pursuant to 29 C.F.R. § 1980.111 and Emergency Motion for Stay of All Deadlines Pending ALJ’s Disposition of Same.” Employer did not object to Complainants’ motion.

3. Applicable Law and Analysis.

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 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).

In their motion, Complainants state they “are presently faced with the prospect of litigating this case in four different forums” and “lack the financial wherewithal to proceed forward” with this claim. Complainants’ motion makes clear that the basis for their motion is not based upon a proposed settlement agreement, which would require approval from the undersigned.

4. Ruling and Order.

- a. Complainants’ motion for withdrawal is granted.
- b. The hearing scheduled for October 3-6, 2016 in Lubbock, Texas is cancelled.
- c. Consistent with the regulations, the Secretary’s findings are affirmed in their entirety and the above-captioned matter is dismissed with prejudice without costs or attorney’s fees awarded to either party.

SO ORDERED this day at Covington, Louisiana.

**TRACY A. DALY
ADMINISTRATIVE LAW JUDGE**