

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 09 November 2017

ALJ NO.: 2017-SOX-00045

In the Matter of:

ERIN DALY,
Complainant,

v.

CITIGROUP, INC.,
Respondent.

**ORDER DISMISSING COMPLAINT BASED ON LACK OF JURISDICTION,
BECAUSE COMPLAINANT HAS FILED ACTION IN DISTRICT COURT**

This proceeding arises from a complaint of discrimination filed under section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of The Sarbanes-Oxley Act of 2002, 18 U.S.C.A. § 1514A (West 2004) and the procedural regulations found at 29 C.F.R. Part 1980 (2015). During a conference call held with the parties held on August 16, 2017, counsel for Complainant notified me that she intended to file an original action in the United States District Court, pursuant to 29 C.F.R. § 1980.114. On November 8, 2017, Counsel for Employer provided a date-stamped copy of the Complainant's docketed District Court complaint as required by 29 C.F.R. § 1980.114(c). Complainant's action was filed in the United States District Court, Southern District of New York. (Daly v. Citigroup Inc., Citigroup Global Markets, Inc. and Citibank, N.A. (No. 1:16-CV-09183)).

As the Complainant has filed a complaint in District Court based on the same facts that constituted her action before the Office of Administrative Law Judges, jurisdiction in the latter has been divested. *See Stone v. Duke Energy Corp*, 432 F.3d 320 (5th Cir. 2005); *see also Kelly v. Sonic Automotive, Inc.*, ARB No. 08-027 (Dec. 17, 2008). Because I no longer have jurisdiction over the instant matter, the claim is hereby **DISMISSED**, and the hearing scheduled for February 6, 2018, in New York, New York is **CANCELLED**.

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts