



Issue Date: 02 August 2017

In the Matter of:

LI TAO HU

COMPLAINANT

v.

2017-SOX-00019

PTC, INC

RESPONDENT

ORDER OF DISMISSAL

GRANTING RESPONDENT'S MOTION FOR SUMMARY DECISION

This case comes pursuant to Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, P.L. No. 107-204, as amended by the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and implementing regulations found at 29 CFR Part 1980, and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges found at 29 CFR Part 18A.

The docket shows that this case was accepted by this office on February 15, 2017. On or about February 24, 2017, Respondent sent a letter requesting dismissal of the case, which was filed March 1, 2017. The case was assigned to me on April 21, 2017.

Respondent asserts that SOX "does not apply extraterritorially to employees working outside of the United States." *Morrison v. Nat'l Australia Bank Ltd.*, 561 U.S. 247, 255 (2010) ("When a statute gives no clear indication of an extraterritorial application, it has none.") Respondent asserts that the Complainant, Li Tao Hu, was a Shanghai-based employee of a Chinese subsidiary of PTC and worked entirely in China. All of the alleged misconduct that animates his retaliation claim took place in China. I am directed to *Carnero v. Boston Sci. Corp.*, 433 F.3d 1,2-3 (1st Cir. 2006), cert. denied 548 U.S. 906 (2006). In *Carnero*, the Plaintiff was a foreign national working for the defendant's Argentinean and Brazilian subsidiaries. I am advised that the Claim was dismissed, because SOX does not apply for work performed outside the United States.

Attached to the request is a copy of a letter of Investigator Kristen Rubino, as Exhibit 1.

The rules are set forth in 29 CFR § 18.72: Summary decision:

(a) Motion for summary decision or partial summary decision. A party may move for summary decision, identifying each claim or defense—or the part of each claim or

defense—on which summary decision is sought. The judge shall grant summary decision if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to decision as a matter of law. The judge should state on the record the reasons for granting or denying the motion.

(b) Time to file a motion. Unless the judge orders otherwise, a party may file a motion for summary decision at any time until 30 days before the date fixed for the formal hearing.

(c) Procedures—

(1) Supporting factual positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(i) Citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(ii) Showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) Objection that a fact is not supported by admissible evidence. A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) Materials not cited. The judge need consider only the cited materials, but the judge may consider other materials in the record.

(4) Affidavits or declarations. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) When facts are unavailable to the nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the judge may:

(1) Defer considering the motion or deny it;

(2) Allow time to obtain affidavits or declarations or to take discovery; or

(3) Issue any other appropriate order.

(e) Failing to properly support or address a fact. If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by paragraph (c) of this section, the judge may:

- (1) Give an opportunity to properly support or address the fact;
- (2) Consider the fact undisputed for purposes of the motion;
- (3) Grant summary decision if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or
- (4) Issue any other appropriate order.

(f) Decision independent of the motion. After giving notice and a reasonable time to respond, the judge may:

- (1) Grant summary decision for a nonmovant;
- (2) Grant the motion on grounds not raised by a party; or
- (3) Consider summary decision on the judge's own after identifying for the parties material facts that may not be genuinely in dispute.

(g) Failing to grant all the requested relief. If the judge does not grant all the relief requested by the motion, the judge may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case.

(h) Affidavit or declaration submitted in bad faith. If satisfied that an affidavit or declaration under this section is submitted in bad faith or solely for delay, the judge—after notice and a reasonable time to respond—may order sanctions or other relief as authorized by law.

Since the Complainant's address was in China, I extended the period to respond and advised Complainant to get a lawyer. I ordered Complainant to file a response with this Office to the allegation that the facts set forth by his case his complaint, entirely occurred in China and all of the alleged misconduct that animates his retaliation claim took place in China.

On August 2, 2017, I received a filing from Complainant. He states:

1. Although I worked for the respondent in China, I received sales quota and signed the "Sales Incentive Plan" directly from and with PTC Inc., the Respondent, "as an employee in the Sales organization". PTC China just took the role of salary payment, expense reimbursement, etc. like Shanghai Foreign Service (Group) Co., Ltd. in our first labor contract. My work and performance was substantially supervised by the Respondent, constituting a substantive employment relationship. See Exhibits 12, 14 of

the Objection Documents.

2. On Aug 4th, 2016, I filed an internal report via www.ethicspoint.com directly to PTC Inc., the Respondent, pursuant to internal ethics reporting guidance and with the belief that the Respondent would keep confidential of the complainant's identity as set forth in the reporting guidance. The Respondent responded to the report, showing that the only three persons with access to the report were Aaron C. von Staats, Chris MacKrell and Martha Durcan, none of whom was an employee of PTC China. See exhibit 22 of the Objection documents and exhibits 33, which was provided by the respondent to Shanghai Pudong District Labor Dispute Arbitration Commission.
3. On the early morning of the very next day of Aug 5th, 2016, I was ordered to attend a meeting to be interviewed by Jerry Luo, Compliance Manager of PTC China, and Yvonne Zhang, Legal Manager of PTC China. Stephen Huggard, the attorney of PTC Inc. from law firm Lockelord Boston, attended the meeting through phone call. It is clear that the Respondent transpired my Aug 4th, 2016 internal report to PTC China and disclosed my identity to related persons in PTC China.
4. Not all of PTC Inc.'s misconducts reported by me entirely occurred in China only. The "PTC ENTERPRISE RESELLER AGREEMENT" was signed between PTC Inc. and the reseller Xin Jia (HongKong) Technology Co., Ltd. See exhibit 18 of the Objection Documents. All of the order payments were paid to PTC Inc. directly by Xin Jia (HongKong). All the deals from China were cross reviewed by different departments globally. See exhibits 10, 11 and the PO 20, 21 in the Objection documents. PTC Inc. derived illegal income and profit from these misconducts, thus violated the US Security or financial disclosure laws, and Export Administration regulation. The driving force of the case - PTC Inc.'s fraudulent activities reported by me - is NOT solely extraterritorial. It is the intent of PTC Inc. to silence my reporting and whistleblowing by retaliation and making the retaliation appear to have happened ONLY in China. This court should not side with the Respondent to discourage my protected reporting activities by narrowly interpreting the extraterritoriality of where facts and allegations appeared to have happened.
5. I was noticed to be suspended on Sep 6th, 2016 by Yvonne Zhang, the Legal Manager and Anthony Yan, HR Director of PTC China. I called Jerry Luo, the Compliance Manager of PTC China to understand the reason of the suspension and she told me that the suspension decision was made by headquarter of PTC Inc. and Jason (Samuel) Sheets ordered Yvonne Zhang and Anthony Yan to notice the complainant. See Exhibit 34, the phone call with Jerry Luo record tape file.
6. On Sep 7th, 2016 Yvonne Zhang called the complainant that the PTC headquarter and her boss wanted to know the complainant's contact information during the time the complainant staying in the U.S. because the headquarter might contact the complainant for more detailed information about the report. The attorney Stephen Huggard confirmed it via email. See exhibits 35 the phone call with Yvonne record tape file and 36, the message between the complainant and PTC Inc. 's attorney.

7. Dong Hao, the lawyer from Zhong Lun Law Firm, the representative of the respondent told me that the Respondent, PTC U.S. Headquarter, was waiting for my position on the separation from PTC when discussing the separation agreement with me on Dec 17th, 2016 or around. On or around Feb 17 2017, just after my filling objections with OALJ, Dong Hao called me to seek for a settlement with me about my separation from PTC according to the respondent's request. See exhibits 37 the phone call with Dong Hao record tape file.
8. On June 5th, 2017, Dong Hao on behalf of PTC China submitted the complainant's Aug 4th internal report to Shanghai Pudong District Labor Dispute Arbitration Commission. Dong Hao not only further disclosed my identity as an internal reporter to the hearing, but also cited certain pieces of information from my internal report as evidences of my violation of the company policy without emphasizing the context that I was ordered to carry out certain acts by my managers. See Exhibits 33 and 38, the arbitral award from Pudong District Labor Dispute Arbitration Commission. If I had not followed my managers' orders, I would have risked my job and livelihood. In short, my employment was terminated because I knew some of the Respondent's misconduct and ill profits.
9. Following my Aug 4th 2016 internal report, more than 20 employees were terminated from PTC China, and at least one external partnership was terminated. The disclosure of my identity as an internal reporter to the Labor Dispute Arbitration Tribunal exposed me to the public and those affected, who might take adverse actions against me. The respondent's disclosure of my Aug 4th 2016 internal report and identity grossly increased the risk and the possibility of such adverse actions against me, and saddled me with a heavy mental burden and psychological pressure in the long run. In fact, I had to leave Shanghai at the beginning of this year. Being unemployed for more than half a year, I cannot afford a lawyer in the US. And it has seriously affected my support for my 10 months old daughter.

DISCUSSION

Complainant argues that the facts show that the Respondent had full control of his August 4, 2016 internal report, "Exhibition 22," attached to his Objections dated February 10, 2017. He alleges that Respondent chose to release the report and his identity to certain persons in PTC China, its lawyer, and ultimately to the public labor arbitration hearing and the public, which ended in termination, leading to damages. Exhibition 22 and Exhibition 23 do not mention any violation of US laws but in Exhibition 23 he refers to "fake orders" and asks that a superior to "ask the lawyer from the United States and I had a writing reported to him." I reviewed the materials and no such document has been proffered:

The cause and effect between the Respondent's actions and all the retaliations against me including my employment termination cannot be clearer.

It is undeniable that the Respondent had substantial and decisive influence on my employment. I therefore request for the decision that OSHA has jurisdiction to investigate, all the retaliation against me should be stopped, and my lost and damage

should be compensated.

I do not have plenary jurisdiction over matters outside the scope of SOX. This complainant may very well have other claims for relief under other U.S. law or causes of action at state law, or under the laws of China. However, I am limited to whether jurisdiction under SOX attaches. For summary decision, I accept the facts as alleged by the Complainant. Because he is pro se, I accept the facts in Complainant's best light and I have reviewed his Objections to the Secretary's Findings dated February 10, 2017. I do not attribute any weight to the findings or report of Kristen Rubino, the investigator as this is a *de novo* claim. However, I find that the clause in the first paragraph of Complainant's response:

Although I worked for the respondent in China,

substantiates the Respondent's allegation that the Complainant was at all times employed in China.

Respondent did not discuss *O'Mahony v. Accenture Ltd.*, where the Second Circuit Court of Appeals did not address the extraterritorial application of SOX §1514A in a case involving an employee working in France "because the alleged wrongful conduct by the Defendants giving rise to the claim occurred within the United States." 537 F. Supp. 2d 506, 515 (S.D.N.Y. 2008). In *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, the court similarly stated that the extraterritoriality of a statute is not implicated if "the acts or objects upon which the statute focuses are located in the United States, . . . even if other activities or parties are located outside the United States." 480 B.R. 501, 523-24 (Bankr. S.D.N.Y. 2012).

In reviewing the response dated July 21, 2017, the Objections and attachments, the record shows that the Complainant was not hired within the United States and although the activities outlined in Complainant's paragraphs 4 and 7 may have involved international commerce, and paragraph 5 may show that his termination from employment was orchestrated in the United States,¹ I find that it does not confer jurisdiction under SOX.

In *O'Malley*, a former employee in the Paris office of consulting firm Accenture Ltd. who claimed that she was penalized for pointing out an accounting problem could sue because the Court found that both the fraud and the retaliation occurred in the United States. However, in that case, the complainant had worked for the employer in the United States before she was assigned to France, and it was decided before *Morrison*, which does not directly cite to *O'Malley*, but overrules it.

In *Morrison*, a group of Australian citizens who owned shares in an Australian bank sued the bank and its American subsidiary – a mortgage servicing company – after the bank wrote down the value of the subsidiary's assets, causing the bank's share prices to fall. Claiming that officers of the subsidiary had utilized manipulated financial models to misrepresent the value of its mortgage services, and that the bank was aware of the subsidiary's deceptive practices, the Australian shareholders brought their action under Section 10(b) of the Securities Exchange Act of 1934 ("the Exchange Act"). Because the case hinged upon a purchase of securities by Australian investors that took place entirely in Australia, the Supreme Court accepted the case to determine "whether § 10(b) of the Securities Exchange Act of 1934 provides a cause of action to foreign plaintiffs suing foreign and American defendants for misconduct in connection with

¹ ...told me that the suspension decision was made by headquarter of PTC Inc.

securities traded on foreign exchanges.”² *Morrison*, 130 S.Ct. at 2875. Using a new two-step test, the Court ultimately found in the negative, concluding that petitioners failed to state a claim on which relief could be granted because §10(b) does not apply extraterritorially, and the fraud alleged in the complaint did not occur domestically. *Id.* at 2888.

First, *Morrison* examined whether Section 10(b) applies to extraterritorial claims, and the Court began by rejecting the Second Circuit’s established test (i.e. *O’Malley*) for making such a determination. To determine if a statute that is otherwise silent as to its extraterritorial application covers a claim involving foreign conduct, the Second Circuit would assess “whether the wrongful conduct had a substantial effect in the United States or upon United States citizens,” or “whether the wrongful conduct occurred in the United States.” *Morrison*, 130 S.Ct. at 2879 (citations omitted). In short, the Second Circuit used its “conduct test” and “effects test” to determine whether Congress would have wanted the statute to apply to predominately foreign claims on a case-by-case basis. *Id.*

Writing for the majority, Justice Scalia criticized the Second Circuit’s approach as having no “textual or even extratextual basis,” and therefore replaced the Second Circuit’s “judicial-speculation-made-law” with a bright-line rule based on the Court’s well-established presumption against extraterritoriality. *Id.* at 2881. Citing the Supreme Court’s decision in *EEOC v. Arabian American Oil Co.*, 499 U.S. 244 , 248 (1991) (*Aramco*), the Court reasserted the “longstanding principle” that “legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States.” *Id.* Asserting that this canon of construction should be applied in all cases when ascertaining a statute’s meaning, the Court stated that unless the Court can find “affirmative intention of the Congress clearly expressed to give a statute extraterritorial effect, we must presume it is primarily concerned with domestic conditions.” *Morrison*, 130 S.Ct. at 2877, 2881 (citing *Aramco*, 499 U.S. at 248). Although it emphasized the primacy of the text of the statute, the Court clarified that a “clear statement” of extraterritorial effect is not required, as context and other sources of statutory meaning may be relevant in the search for the true intent of Congress. *Id.* at 2883.

Applied to Section 10(b) of the Securities Exchange Act, *Morrison* began with a review of the text of the provision, finding that, on its face, the provision “contains nothing to suggest that it applies abroad.” *Id.* at 2881. The Court then rejected each of the Petitioners’ arguments that the statute expressed an “affirmative intention” of extraterritorial application. A reference to foreign commerce in the statute’s definition of the term “interstate commerce” was found insufficient to overcome the presumption against extraterritoriality, as was a “fleeting” mention of foreign commerce in Congress’ description of the purpose of the Exchange Act. *Id.* at 2882. Likewise rejected was Petitioners’ argument that because Section 30(b) of the Exchange Act expressly limited its applicability to territorial transactions, all other provisions of the Act – including Section 10(b) – should be presumed to apply both territorially and extraterritorially. *Id.*

² The U.S. Court of Appeals for the Second Circuit described the complaint in *Morrison* as a “foreign-cubed securities class action” because it involved “(1) foreign plaintiffs suing (2) a foreign issuer in an American court for violations of American securities laws based on securities transactions in (3) foreign countries.” *Morrison v. National Australia Bank Ltd.*, 547 F.3d 167, 172 (2nd Cir. 2008).

Having applied the presumption against extraterritoriality and determined that Section 10(b) does not extend its protections to extraterritorial claims, the *Morrison* court next turned to petitioners' argument that the facts alleged in their complaint constituted a "territorial" claim, and therefore enforcement of the complaint would not require extraterritorial application of the statute. *Id.* at 2883. As support for that argument, petitioners primarily noted that the American subsidiary's executives who deceptively manipulated financial models were located in Florida. *Id.* Acknowledging that "it is a rare case of prohibited extraterritorial application that lacks all contact with the territory of the United States," the Court first set out to clarify when the "watchdog" that is the presumption against extraterritoriality "retreat[s] to its kennel" – or, more simply stated, when a claim alleging conduct that occurred both within and outside of the territorial United States is considered "territorial" or "extraterritorial" for purposes of Section 10(b). *Id.* at 2884.

To draw the line between "domestic" and "foreign" claims, the Court followed the approach taken in the *Aramco* decision, and identified the "focus of congressional concern" in enacting the statute. *Id.* Where *Aramco* found that the focus of congressional concern in passing Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq. ("Title VII"), was the "domestic employment relationship," the *Morrison* court used "the same mode of analysis" to find "that the focus of the Exchange Act is not upon the place where the deception originated, but upon purchases and sales of securities in the United States," because "purchase-and-sale transactions are objects of the statute's solicitude." *Id.* In other words, because domestic transactions are what Congress sought to regulate in passing the Exchange Act, and because the statute aims to protect parties to those transactions, Section 10(b) only applies to "transactions in securities listed on domestic exchanges, and domestic transactions in other securities."⁵ *Id.* After establishing this "transactional test" for evaluating the territoriality of a Section 10(b) claim, the Court swiftly dismissed Petitioners' claim as not falling within that focus because the case "involve[d] no securities listed on a domestic exchange, and all aspects of the purchases complained of by those petitioners who still have live claims occurred outside the United States." *Id.* at 2888.

In *Villanueva v. Core Laboratories*, NV, ARB No. 09-108, ALJ No. 2009-SOX-6 (ARB Dec. 22, 2011) (en banc) ("Villanueva"), the ARB advocated an alternative approach for distinguishing territorial and extraterritorial claims when it applied the *Morrison* test to a complaint arising under Section 806 of SOX. Although William Villanueva was a Colombian national working in Colombia, the ARB's "critical focus is on whether the employee reported conduct that he or she reasonably believes constituted a violation of federal law." Citing to *Sylvester v. Parexel Int'l LLC*, ARB No. 07-123, 2011 WL 2517148, at 15 (ARB May 25, 2011). In *Villanueva v. Department of Labor*, 743 F.3d 103 (5th Cir. 2015), the circuit court examined Villanueva's underlying evidence of record but found it did not "evinced that he complained to Core Labs (or Saybolt Colombia) executives that they were violating U.S. law by using domestic mail or wires to orchestrate Colombian tax-law violations."

An employee need not cite a code section he believes was violated in his communications to his employer, but the employee's communications must identify the specific conduct that the employee believes to be illegal." *Welch v. Chao*, 536 F.3d 269, 276 (4th Cir.2008). I have reviewed the attachments. Although some are in Chinese, they have not been translated. I do not

read or write in Chinese, but the Complainant has not set forth any language to show that he placed his employer on notice that any securities laws were broken until after he had been terminated. A review of Exhibitions 22 and 23 discloses that there was no mention of any violation of U.S. laws. Although the Complainant alleges in paragraph 4 that the Respondent committed U.S. securities violations, he did not allege that he contemporaneously had provided Employer with allegations of specific conduct that he knew was illegal under SOX or Dodd/Frank.

In *Villanueva*, the complainant asserted that Saybolt Colombia's underreporting of taxes due to the Colombian government was illegal. The court found that these might have been violations of Colombian tax law, but not a violation of U.S. mail or wire laws to effectuate those purported Colombian law violations. Here, given the facts and time line provided by Complainant, he has not shown that he knew or had reason to know that SOX or Dodd/Frank had been violated until after he was terminated.

Accordingly, I render the following.

1. Complainant, Li Tao Hu, was a Shanghai-based employee of a Chinese subsidiary of PTC and worked entirely in China.
2. Nothing in SOX implies that it applies extraterritorially.
3. This claim is extraterritorial, in that the proffered protected activity occurred in China, outside the United States. *Morrison, supra*.
4. Although Complainant alleges that he was in a protected activity and was terminated as a result of retaliation, Complainant has not shown that he knew or had reason to know that SOX or Dodd/Frank was violated until after he was terminated and therefore did not proffer specific conduct to his employer or to Securities and Exchange Commission that the he believed was illegal under SOX and Dodd/Frank. *Villanueva, supra*.
5. As I do not have jurisdiction, the complaint is **DISMISSED**.

DANIEL F. SOLOMON
ADMINISTRATIVE LAW JUDGE

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition")

with the Administrative Review Board ("Board") within fourteen (14) days of the date of issuance of the administrative law judge's decision. The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington DC 20210, for traditional paper filing. Alternatively, the Board offers an Electronic File and Service Request (EFSR) system. The EFSR for electronic filing (eFile) permits the submission of forms and documents to the Board through the Internet instead of using postal mail and fax. The EFSR portal allows parties to file new appeals electronically, receive electronic service of Board issuances, file briefs and motions electronically, and check the status of existing appeals via a web-based interface accessible 24 hours every day. No paper copies need be filed.

An e-Filer must register as a user, by filing an online registration form. To register, the e-Filer must have a valid e-mail address. The Board must validate the e-Filer before he or she may file any e-Filed document. After the Board has accepted an e-Filing, it is handled just as it would be had it been filed in a more traditional manner. e-Filers will also have access to electronic service (eService), which is simply a way to receive documents, issued by the Board, through the Internet instead of mailing paper notices/documents.

Information regarding registration for access to the EFSR system, as well as a step by step user guide and FAQs can be found at: <https://dol-appeals.entellitrak.com>. If you have any questions or comments, please contact: Boards-EFSR-Help@dol.gov

Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-filing; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. See 29 C.F.R. § 1980.110(a). Your Petition should identify the legal conclusions or orders to which you object. You may be found to have waived any objections you do not raise specifically. See 29 C.F.R. § 1980.110(a).

When you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. You must also serve the Assistant Secretary, Occupational Safety and Health Administration and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor. See 29 C.F.R. § 1980.110(a).

If filing paper copies, you must file an original and four copies of the petition for review with the Board, together with one copy of this decision. In addition, within 30 calendar days of filing the petition for review you must file with the Board an original and four copies of a supporting legal brief of points and authorities, not to exceed thirty double-spaced typed pages, and you may file an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which the appeal is taken, upon which you rely in support of your petition for review. If you e-File your petition and opening brief, only one copy need be uploaded.

Any response in opposition to a petition for review must be filed with the Board within 30 calendar days from the date of filing of the petitioning party's supporting legal brief of points and authorities. The response in opposition to the petition for review must include an original and four copies of the responding party's legal brief of points and authorities in opposition to the

petition, not to exceed thirty double-spaced typed pages, and may include an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which appeal has been taken, upon which the responding party relies. If you e-File your responsive brief, only one copy need be uploaded.

Upon receipt of a legal brief filed in opposition to a petition for review, the petitioning party may file a reply brief (original and four copies), not to exceed ten double-spaced typed pages, within such time period as may be ordered by the Board. If you e-File your reply brief, only one copy need be uploaded.

If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. §§ 1980.109(e) and 1980.110(b). Even if a Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days of the date the Petition is filed notifying the parties that it has accepted the case for review. See 29 C.F.R. § 1980.110(b).