

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

Issue Date: 07 May 2019

ALJ NO.: 2018-SOX-00034

In the Matter of:

MARK MOHAN,
Complainant,

v.

UBS FINANCIAL SERVICES, INC.,
Respondent.

ORDER DISMISSING CASE WITH PREJUDICE

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) (hereinafter “SOX”) and the procedural regulations found at 29 C.F.R. Part 1980 (2015). Trial was conducted over three days: January 23 and 24, 2019 in New Haven, Connecticut, and February 1, 2019, in New London, Connecticut. At the conclusion of the trial, I made some findings on the record regarding Mohan’s failure to establish his alleged adverse actions under SOX, and was awaiting final briefing before finalizing my decision and order. Having realized that a favorable decision on his Complaint was highly unlikely, Mohan began the process of removing this matter to the United States District Court for the District of Connecticut to get the chance at a do over. On May 6, 2019, Mohan filed a file-stamped copy of his complaint pending in United States District Court.

Removal under SOX is governed by 18 U.S.C. §1514A(b)(1)(B) and 29 C.F.R. § 1980.114. “Section 1514A(b)(1)(B) confers jurisdiction on a district court when a qualifying complainant files his complaint there.” *Stone v. Duke Energy Corp.*, 432 F.3d 320, 322-23 (5th

Cir. 2005). Regardless of Mohan's motive, jurisdiction now lies with the U.S. District Court.

Accordingly, it is ORDERED that:

The Complaint of Mark Mohan against UBS Financial Services, Inc. is DISMISSED WITH PREJUDICE from refiling before the Office of Administrative Law Judges.

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts