



Issue Date: 30 March 2020

CASE NO.: 2019-SOX-00058

In the Matter of:

RANDY BOHON,
Complainant,

vs.

UNITED STATES POSTAL SERVICE,
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AND
DISMISSING COMPLAINT**

This is a claim under the employee-protection provisions of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act” or “SOX”), 18 U.S.C. §1514A, and regulations at 29 C.F.R. Part 1980. The matter is assigned to Judge Christopher Larsen. Because he is temporarily unavailable, I have reviewed the proposed action in this case.

On March 9, 2020, Mr. Bohon and Respondent submitted a Motion to Dismiss Complaint (“Motion”). On March 16, 2020, they supplemented the Motion with additional documents, including an email exchange between Mr. Bohon and counsel for Respondent agreeing to dismiss this complaint, as well as a copy of a settlement agreement at the EEOC that included a resolution of this complaint.

Proceedings before the OALJ may be terminated on the basis of a settlement if the administrative law judge approves the settlement. 29 C.F.R. § 1980.111(d)(2). The ALJ reviews the terms of the settlement to ensure that they are fair, adequate, and reasonable. *See, e.g., Gonzales v. J.C. Penney Corp., Inc.*, ARB No. 10-148, ALJ No. 2010-SOX-045 (ARB Sept. 28, 2012).

My authority over settlement agreements is limited to the statutes that are within my jurisdiction, and I have restricted my review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this SOX case. *Mann v. Schwan’s Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 3 (ARB Dec. 31, 2008). Accordingly, my approval extends only to the terms of the Settlement Agreement pertaining to Complainant’s SOX claim.

Having reviewed the Settlement Agreement with regard to the Complainant’s complaint under SOX, I find the provisions are fair, adequate, reasonable and do not contravene the public interest. Further, I make the following findings:

1. The Settlement Agreement appears to be fair and reasonable on its face and to effectuate the purposes and policies of SOX, and not contrary to public policy. Therefore, I approve the Settlement Agreement.

2. Upon my approval, the parties shall implement the terms of the Settlement Agreement as stated therein.

3. The Complainant is deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of the Settlement Agreement.

4. This Order shall have the same force and effect as one made after a full hearing on the merits.

5. My authority only extends to approval of the settlement of Complainant's claim against Respondents under SOX.

ORDER

Based on the foregoing, and in accordance with the terms of the Settlement Agreement, I HEREBY ORDER that:

1. The Settlement Agreement is APPROVED as related to this SOX matter.
2. The underlying SOX complaint is DISMISSED with prejudice.

SO ORDERED.

RICHARD CLARK
District Chief Administrative Law Judge