



Issue Date: 11 September 2020

Case No.: 2019-SOX-00014

In the Matter of:

AARON KATZEL

Complainant

v.

AMERICAN INTERNATIONAL GROUP, INC.

Respondent

ORDER DISMISSING CASE

This matter arises from the complaint of retaliation filed by Aaron Katzel (“Complainant”) against American International Group, Inc. (“Respondent”) under Section 806 of the Sarbanes-Oxley Act of 2002, as amended, 18 U.S.C. § 1514A (“SOX” or “the Act”), and the implementing regulations at 29 C.F.R. Part 1980.

On October 17, 2017, Complainant filed his SOX complaint with the Occupational Safety and Health Administration (“OSHA”). On November 27, 2018, OSHA dismissed the complaint, finding Complainant had not established a SOX violation. On December 21, 2018, Complainant filed an appeal with the Office of Administrative Law Judges (“OALJ”) requesting a de novo hearing in this matter. *See* 29 C.F.R. §§ 1980.106-1980.107. A hearing is scheduled for October 19, 2020.

The Act’s “kick-out” provision permits a complainant to file an action in federal court if, after 180 days, the Department of Labor has not issued a final decision on an administrative complaint, as long as there is no showing that the delay is due to the bad faith of the complainant. 18 U.S.C. § 1514A(b)(1)(B); 20 C.F.R. § 1980.114(a).

Here, the Department of Labor has not issued a final decision on Complainant’s administrative complaint within 180 days. Thus, Complainant is entitled to pursue his remedies in federal court. Once a complainant files suit in U.S. District Court, OALJ has no jurisdiction over any SOX allegations. *See Powers v. Pinnacle Airlines, Inc.*, ARB No. 05-0138, ALJ No. 2005-SOX-65, slip op. at 5 (Oct. 31, 2015); *Fuqua v. SVOX AG*, ARB Nos. 14-014, 14-069, ALJ Nos. 2013-SOX-46, 2014-SOX-18 (Aug. 27, 2014).

On September 3, 2020, Claimant filed a complaint with the U.S. District Court for the Southern District of New York. Claimant provided a copy of that complaint to OALJ via email. *See* 20 C.F.R. § 1980.114(c).

Because Complainant has exercised his right to de novo review in federal district court under 18 U.S.C. § 1514A, I no longer have jurisdiction over this matter. Accordingly, I **CANCEL** the hearing scheduled for October 19, 2020, and I **DISMISS** this case.

SO ORDERED.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey