



Issue Date: 17 September 2020

CASE NO. 2020-SOX-00016

In the Matter of:

ANGELA LITRELL,
Complainant

v.

ARKANSAS TOTAL CARE - CENTENE CORPORATION,
Respondent

**ORDER GRANTING COMPLAINANT’S MOTION FOR LEAVE TO PROCEED IN
FEDERAL DISTRICT COURT AND DISMISSING COMPLAINT**

This matter arises under the Federal Sarbanes-Oxley Act of 2002, P.L. 107-204, § 806, 18 U.S.C. & 1514A, and implementing regulations at 29 C.F.R. Part 1980, Subpart B. On December 11, 2019, Complainant Angela Littrell, (“Complainant”) filed a Complaint with the Secretary of Labor, through the Occupational Safety and Health Administration (OSHA), alleging, in sum, she was discharged from respondent, Arkansas Total Care-Centene Corporation, (“Respondent”) in violation of the Sarbanes-Oxley Act (“SOX” or “ the Act”), for reporting fraudulent activity. Following an investigation, on January 13, 2020, OSHA found no reasonable cause to believe Respondent violated the Act and dismissed Ms. Littrell’s complaint. On February 11, 2020, Complainant timely objected to OSHA’s findings and requested a hearing before the Office of Administrative Law Judges. The matter was subsequently assigned to the undersigned Administrative Law Judge (“ALJ”).

After having informally notified the undersigned of her intent to file a Complaint in Federal Court, on July 29, 2020, I received Complainant’s “Motion to Proceed in Federal District Court.” (“Motion”). No response was received from Respondent.

In support of her Motion, Complainant asserted that the Secretary (of Labor) has not issued a final decision, more than 180 days have passed since the filing of the Complaint, and there is no showing there’s been delay due to bad faith of Complainant. Complainant also indicated she would file a copy of the file-stamped Complaint within seven days of filing it in Federal Court. For the reasons that follow, Complainant’s Motion is granted and her Complaint is dismissed, with prejudice.

Generally, 29 C.F.R. § 1980.114(a) permits a Complainant to bring an action at law or in equity for *de novo review* in the appropriate District Court for the United States with jurisdiction,

if the Secretary has not issued a final decision within 180 days of the filing of the Complaint, and there is no showing that there has been delay due to the bad faith of the complainant. 29 C.F.R. § 1980.114(c) further requires that within seven days after filing a Complaint in federal court, a Complainant shall file a copy of the file-stamped Complaint, in this case, with the ALJ.¹

The requirements of 29 C.F.R. §§ 1980.114(a) and (c) have been satisfied here. Specifically, a hearing has not yet taken place and consequently there has been no final order of the Secretary; more than 180 days have passed since the complaint was filed on December 11, 2019; and there is no evidence of delay due to bad faith of Complainants. Complainant has also indicated her intent to timely file a copy of her Complaint with the undersigned once it is filed in federal court. For these reasons, Complainant's Motion is **GRANTED** and her complaint dismissed with prejudice.

ORDER

Accordingly, for the reasons stated above, and as the requirements of 29 C.F.R. § 1980.11 have been satisfied, **IT IS ORDERED** that Complainant's Motion for Leave to Proceed in Federal Court is **GRANTED** and Complainant may proceed with the filing of her Complaint in federal court if she has not yet done so. It is **FURTHER ORDERED** that:

1. Within seven (7) days after filing her Complaint in federal court, complainant, Angela Littrell, must file a copy of the file-stamped complaint, with the undersigned Administrative Law Judge, via email at: OALJ-Pittsburgh@DOL.GOV;
2. The Complaint filed by Complainant, Angela Littrell in this matter, is **DISMISSED WITH PREJUDICE** to its reinstatement since the action is to be filed in federal district court; and
3. Any outstanding motions and all deadlines in this matter are **MOOT**.

SO ORDERED.

NATALIE A. APPETTA
Administrative Law Judge

¹ A copy of the complaint also must be served on the OSHA official who issued the findings and/or preliminary order, the Assistant Secretary, and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor.