



Issue Date: 14 August 2020

Case No.: 2020-SOX-00003

In the Matter of

BRITTANY TOWNSEND
Complainant

v.

GEHAN HOMES, LTD.
Respondent

APPEARANCES: James E. Hunnicutt, Esq.
For Complainant

Kimberly S. Moore, Esq.
For Respondent

BEFORE: Hon. Tracy A. Daly
Administrative Law Judge

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND CANCELLING HEARING**

1. Nature of Motion. Pursuant to 29 C.F.R. § 18.71(a), the parties submitted a motion requesting the undersigned approve a proposed Settlement Agreement in this matter.

2. Procedural History and Findings of Fact.

a. This proceeding arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley (“SOX”) Act of 2002, 18 U.S.C. §1514A (“Sarbanes-Oxley”), and the applicable regulations issued thereunder at 29 C.F.R. Part 1980, as well as the Consumer Financial Protection Act of 2010 (“CFPA”), Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. § 5567, and its implementing regulations at 29 C.F.R. § 1985.

b. The Acts include whistleblower protection provisions with a Department of Labor complaint procedure.

c. On August 19, 2019, pursuant to the SOX and the CFPA, Complainant filed a retaliation complaint with the Occupational Safety and Health Administration (OSHA) against Respondent for terminating her employment.

d. On September 16, 2019, the Secretary, acting through the Assistant Regional Administrator, issued findings and an order and concluded that Complainant did not engage in protected activity and dismissed the complaint.

e. Complainant objected to the Secretary's findings and requested a hearing before the Office of Administrative Law Judges (OALJ). The undersigned issued a Notice of Case Assignment on November 20, 2019 and a Notice of Hearing on January 17, 2020, setting this matter for a hearing on August 31, 2020.

f. On July 30, 2020, the parties filed "Joint Notice for Approval of Settlement and Dismissal of All Claims" for the undersigned's approval.

3. Applicable Law and Analysis.

At any time after the filing of objections to the Assistant Secretary's findings and preliminary order, the case may be settled. If the case is before an administrative law judge, the settlement is contingent upon the approval of the administrative law judge. 29 C.F.R. § 1980.111(d)(2); 29 C.F.R. § 1985.111(d)(2).

Any settlement approved by the administrative law judge becomes the final order of the Secretary. 29 C.F.R. § 1980.111(e); 29 C.F.R. § 1985.111(e).

The undersigned reviewed and fully considered the parties' Settlement Agreement and all the terms contained therein. The undersigned concludes all the terms in the Settlement Agreement are fair, adequate, reasonable, and not contrary to public policy.

4. Ruling and Terms of Order. The parties' joint motion is granted and the Settlement Agreement is **APPROVED**.

a. The formal hearing currently scheduled in this case is cancelled.

b. The Settlement Agreement shall be enforced pursuant to 29 C.F.R. § 1980.113 and 29 C.F.R. § 1985.113. The parties shall implement the terms as stated in the Settlement Agreement, to the extent not otherwise accomplished.

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

SO ORDERED this day at Covington, Louisiana.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE