



Issue Date: 03 April 2020

CASE NO.: 2020-SOX-00001

IN THE MATTER OF:

DERRICK WHEELER
Complainant

v.

GM FINANCIAL
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT AND
DISMISSING SOX COMPLAINT WITH PREJUDICE**

This proceeding arises under the Sarbanes-Oxley Act of 2002, technically known as the Corporate and Criminal Fraud Accountability Act, P.L. 107-204 at 18 *U.S.C.* § 1514A *et seq.*, (herein SOX or the Act), and the regulations promulgated hereunder at 29 *C.F.R.* Part 1980, which are employee protective provisions. The Secretary of Labor is empowered to investigate and determine “whistleblower” complaints filed by employees of publicly traded companies who are allegedly discharged or otherwise discriminated against with regard to their terms and conditions of employment for providing information about fraud against company shareholders to supervisors, federal agencies or members of Congress.

On 9 Mar 20 a Settlement Agreement and Release was filed in the above-referenced matter.

Having carefully reviewed the Confidential Settlement Agreement under SOX, I make the following findings:

1. The Settlement Agreement, on its face, appears to be fair and reasonable and to effectuate the purposes and policies of SOX;
2. 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;
3. This Order shall have the same force and effect as one made after a full hearing on the merits; and,

4. With regard to confidentiality of the Settlement Agreement, the parties are advised that notwithstanding the confidential nature of the Settlement Agreement, all of their filings, including the Settlement Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C.A. § 552, *et seq.*

ORDER

Based on the foregoing and in accordance with the Settlement Agreement, **IT IS HEREBY ORDERED** that the Settlement Agreement is **APPROVED** and the hearing scheduled on **7 May 2020** in **Dallas, Texas** is hereby **CANCELLED**.

IT IS FURTHER ORDERED that the above-captioned SOX complaint is **DISMISSED WITH PREJUDICE**.

ORDERED this 3rd day of April, 2020, at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge