



Issue Date: 05 August 2008

Case No.: 2007-SOX-00070

In the Matter of:

**JARED BOWEN,
Complainant**

v.

**WAL-MART STORES, INC.,
Respondent**

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS
TO ASSISTANT SECRETARY'S FINDINGS**

This matter involves a complaint under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (the Act)¹ and the regulations promulgated pursuant thereto² brought by Jared Bowen (Complainant) against Wal-Mart Stores, Inc. (Respondent). 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 11 Jul 07, Complainant submitted objections to the Secretary's findings dismissing Complainant's complaint filed under the employee protection provisions of the Act and requested a hearing before an administrative law judge.

On 29 Jul 08, Complainant filed a Consent Withdrawal of His Objections to the Secretary's Findings executed by Complainant, counsel for Complainant, and counsel for Respondent. It stated in pertinent part that Complainant has voluntarily decided to withdraw his objections to the Secretary's findings and his request for a hearing. He understands that if the court grants his request, the matter will be terminated with prejudice.

¹ 18 U.S.C. §1514A *et seq.*

² 29 C.F.R. Part 1980.

Under the governing regulation, at any time before the Secretary's findings or order become final, a party may withdraw its objections to the findings or order by filing a written withdrawal with the administrative law judge.³ The administrative law judge will determine whether to approve the withdrawal.

Because the parties jointly have submitted the withdrawal of objections, and the withdrawal of objections is unopposed, it is hereby approved. The parties are informed that, pursuant to 29 C.F.R. § 1980.106(b)(2), the findings of the Secretary shall become the final decision of the Secretary and are not subject to judicial review.

So ORDERED.

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PATRICK M. ROSENOW
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review ("Petition") with the Administrative Review Board ("Board") within ten (10) business days of the date of the administrative law judge's decision. *See* 29 C.F.R. § 1980.110(a). The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. *See* 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. *See* 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If no Petition is timely filed, the administrative law judge's decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge's decision becomes the final order of the Secretary of Labor unless the Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. *See* 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).

³ 29 C.F.R. § 1980.11(c).