

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 20 December 2007**

CASE NO. 2007-SOX-00064

**In the Matter of:**

JAMES L. CLARK,  
*Complainant,*

vs.

GENERAL DYNAMICS CORPORATION,  
*Respondent.*

**ORDER OF DISMISSAL**

This matter arises under the whistleblower protection provisions of the Sarbanes-Oxley Corporate and Criminal Accountability Act of 2002 (“SOX” or “the Act”), 18 U.S.C. § 1514A.

On April 18, 2006, Complainant Mr. James L. Clark filed a complaint with the Department of Labor alleging a violation of SOX. On June 26, 2007, Lawrence Organ, Esq., Complainant James Clark’s attorney, filed an appeal with the Chief Administrative Law Judge in which he objected to the Secretary of Labor’s findings and preliminary orders under SOX, and requested a hearing.

Complainant, on December 17, 2007 filed Notice pursuant to 29 C.F.R. § 1980.114(b) of his intent to file his Sarbanes-Oxley claim in the United States District Court and to stay any proceedings before the Office of Administrative Law Judges.

18 U.S.C. § 151A(b)(2) provides that if the Secretary fails to issue a final decision within 180 days and there is no showing that the delay is due to any bad faith on the part of the complainant, the complainant may file a suit in federal district court.

As Complainant has elected to proceed with his claims under SOX in U.S. District Court, the Office of Administrative Law Judges no longer has jurisdiction over this claim.

**ORDER**

Accordingly, this complaint is HEREBY DISMISSED.

**A**

ANNE BEYTIN TORKINGTON  
Administrative Law Judge