



Issue Date: 11 January 2008

In the Matter of

CYNTHIA HARKNESS  
Complainant

v.

FIELDSTONE INVESTMENT CORPORATION  
Respondent

Case No. 2007 SOX 00081

### ORDER OF DISMISSAL

This case arises under §806 of the Corporate and Criminal Fraud Accountability Act of 2002 (the “Sarbanes-Oxley Act”) and the applicable regulations at 29 C.F.R. §1980. Complainant filed her complaint against Fieldstone Investment Corporation on March 26, 2007. On July 25, 2007, the complaint was found to have no merit by the Occupational Safety and Health Administration, and complainant requested a hearing before an administrative law judge. On August 15, 2007, the case was assigned to me for hearing and decision. On August 31, 2007, following a conference call with counsel for the parties, I issued a *Notice of Docketing and Scheduling Order*.

By motion dated January 8, 2008, complainant notified this court that she intends to remove this matter to Federal District Court in Maryland. Since the Department of Labor has not issued a final decision on her complaint within 180 days, and this delay is not due to her bad faith, complainant has the right to do so. *See* 29 C.F.R. §1980.114. Since the complainant is removing this case to Federal District Court,

***IT IS ORDERED*** that this case before the Department of Labor is dismissed.

A

JEFFREY TURECK  
Administrative Law Judge