



Issue Date: 15 December 2008

CASE NO.: 2008 SOX 68

In the Matter of
RICHARD ALBERG
Complainant

v.

KENEXA CORPORATION
Respondent

Appearances: Mr. David J. Marshall, Attorney
For the Complainant

Mr. John Houston Pope, Attorney
For the Respondent

Before: Richard T. Stansell-Gamm
Administrative Law Judge

**FINAL ORDER –
SETTLEMENT APPROVAL &
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This matter arises under the employee protection provision of under Section 806 of the Sarbanes-Oxley Act of 2002, (Public Law 107-204), 18 U.S.C. § 1514A, (“Act”) as implemented by 29 C.F.R. Part 1980. Pursuant to a Notice of Hearing, dated September 19, 2008, I set a hearing date of December 15, 2008 for this case in Washington, D.C.

On December 11, 2008, I received a Settlement Agreement and Joint Motion to Dismiss with Prejudice from the parties. All parties were ably represented by counsel. Having reviewed the agreement, I find the provisions are fair, adequate and not contrary to public interest.¹ Further, the settlement supports a finding that the SOX complaint be dismissed with prejudice. Accordingly, approval of the settlement agreement is appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the agreement.

¹See *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, 89-ERA-9, 89-ERA-10 (Sec=y Mar. 23, 1989) and *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec=y Mar. 6, 1990).

ORDER

1. The parties' Settlement Agreement is **APPROVED**.
2. The hearing scheduled for December 15, 2008 is **CANCELLED**.
3. The SOX complaint of Mr. Richard Alberg is **DISMISSED WITH PREJUDICE**.²

SO ORDERED:

A

RICHARD T. STANSELL-GAMM
Administrative Law Judge

Date Signed: December 12, 2008
Washington, D.C.

²Pursuant to 29 C.F.R. § 1980.111(e), this approved settlement constitutes the final order of the Secretary, U.S. Department of Labor, and may be enforced in accordance with 29 C.F.R. § 1980.113.