



Issue Date: 21 October 2008

CASE NO.: 2008 SOX 48

In the Matter of
PHILLIP HILL
Complainant

v.

**RICOH COMPANY, LTD, &
RICOH AMERICAS CORP.**
Respondents

Appearances: Mr. Carl A. Gallagher, Attorney
For the Complainant

Mr. Floyd R. Finch, Jr., Attorney
Ms. Patrice M. Brown, Attorney
For the Respondents

Before: Richard T. Stansell-Gamm
Administrative Law Judge

DISMISSAL ORDER

This matter arises under the employee protection provision of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, (Public Law 107-204), 18 U.S.C. § 1514A (“Act” or “SOX”) as implemented by 29 C.F.R. Part 1980.

Pursuant to a Notice of Hearing, dated July 11, 2008, I set a hearing date of November 18, 2008 for this case in Kansas City, MO. On September 24, 2008, pursuant to 20 C.F.R. § 1980.114(b), I received notification that from the Complainant’s counsel that Mr. Hill intends to file a complaint in the United States District Court for the District of Kansas. In light of this notification, I issued a Show Cause Order providing the parties an opportunity through to show cause whether Mr. Hill’s present complainant before the Office of Administrative Law Judges (“OALJ”) should be dismissed with prejudice.

On October 16, 2008, Complainant’s counsel advised that Mr. Hill’s complainant before the OALJ should be dismissed with prejudice. On October 17, 2008, Respondent counsel also asserted the complaint should be dismissed with prejudice.

According to 18 U.S.C. § 1514A(b)(1)(B) and 29 C.F.R. § 1980.114, absent delay attributable to bad faith, a complainant may bring an action in federal district court for a *de novo* review if the Administrative Review Board has not issued a final decision within 180 days of the filing of a complaint. Since Mr. Hill filed his SOX complaint in December 2007, the requisite 180 days has already elapsed while his case is still pending before the OALJ. Accordingly, and considering the concurrence of the parties, dismissal of Mr. Hill's SOX complaint before the OALJ with prejudice is appropriate.

ORDER

The complainant of Mr. Phillip Hill is **DISMISSED** with prejudice. The hearing scheduled for November 18, 2008 is cancelled.

SO ORDERED:

A

RICHARD T. STANSELL-GAMM
Administrative Law Judge

Date Signed: October 17, 2008
Washington, D.C.

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, Room S-4309, 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).