

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 25 September 2008**

Case No: 2008-SOX-00042

In the Matter of:

MICHAEL HOAR,  
Complainant

v.

BIOGEN IDEC, INC.,  
Respondent

**FINAL ORDER APPROVING WITHDRAWAL OF COMPLAINT**

This proceeding arises under the employee protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 ("SOX"), Pub. L. No. 107-204, 18 U.S.C. § 1514A, and the procedural regulations found at 29 C.F.R. Part 1980. Under SOX, 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 August 31, 2007, Complainant filed a complaint with the Department of Labor Occupational Safety and Health Administration ("OSHA"), under the employee protection provisions of SOX. The Secretary of Labor, through her agent, OSHA, investigated the August 31, 2007 complaint, and on April 25, 2008, issued the Secretary's Findings, dismissing the complaint filed by Michael Hoar, who requested a hearing before an administrative law judge on these findings. A hearing is scheduled before me on December 9, 2008 in San Diego, California.

By letter dated September 12, 2008, Complainant advised that he desires to withdraw his complaint against Respondent effective that date. He further advised that he is no longer represented by Cross Law Firm, SC, which was confirmed by a letter of the same date from his former counsel, Andrei H. Ciobanu, of that firm.

The procedure for dismissing a Sarbanes-Oxley whistleblower complaint is set forth at 29 C.F.R. § 1980.111(c). That section provides:

At any time before the findings or order become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge or, if the case is on review, with the Board. The judge or the Board, as the case may be, will determine whether to approve the withdrawal.

Accordingly, having reviewed the record in this case, and there being no objection to Complainant's withdrawal of his objections, it is hereby ORDERED that, pursuant to 29 C.F.R. § 1980.111(c), Complainant's objections to the OSHA determination are withdrawn and the claim is hereby DISMISSED. Additionally, the hearing in this matter scheduled for December 9, 2008 in San Diego, California is CANCELLED.

**A**

JOSEPH E. KANE  
Administrative Law Judge