



Issue Date: 15 August 2008

Case No.: 2008-SOX-22

In the Matter of

**KEVIN MAGUIRE,
Complainant,**

v.

**APPLIED MATERIALS,
Respondent**

**ORDER APPROVING WITHDRAWAL OF OBJECTIONS TO THE
SECRETARY'S ORDER AND DISMISSING THE CASE**

This matter involves a complaint under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (the Act)¹ and regulations promulgated pursuant thereto² brought by Kevin Maguire (Complainant) against Applied Materials (Respondent).

Complainant filed his initial complaint with OSHA on 7 Aug 07. The matter was investigated and a determination was issued. On 15 Feb 08, Complainant filed objections and requested a formal hearing.

On 31 Jul 08, the parties jointly filed a Stipulation of Dismissal with Prejudice indicating that the matter had been settled. 29 CFR 1980.111 provides that a copy of a settlement must be filed with the administrative law judge for approval. The parties chose not to submit a settlement and filed a Joint Motion to Withdraw Stipulation. Complainant then filed an unopposed unconditional Motion to Withdraw his objections to and request for a hearing on the Secretary's Determination and findings in this matter.

¹ 18 U.S.C. § 1514A *et. seq.*

² 29 C.F.R. Part 1980.

Accordingly, the Joint Motion to Withdraw Stipulation is **GRANTED**, Complainant's Motion to Withdraw Objections is **GRANTED**, and the case is hereby **DISMISSED** with prejudice.³

So ORDERED.

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PATRICK M. ROSENOW
Administrative Law Judge

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, Suite S-5220, 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).

³ Cf [*Concone v. Capital One Financial Corp.*](#), ARB No. 05-038, ALJ No. 2005-SOX-6 (ARB May 13, 2005).