

U.S. Department of Labor

Office of Administrative Law Judges
5100 Village Walk, Suite 200
Covington, LA 70433

(985) 809-5173
(985) 893-7351 (Fax)



Issue Date: 20 July 2010

CASE NO: 2008-SOX-36

IN THE MATTER OF:

**JANET MANLY,
Complainant**

vs.

**CITIGROUP, INC., GLOBAL MARKETS
CAPITAL MARKETS INC., and
CITIGROUP GLOBAL MARKETS INC.,
INC., d/b/a CITIGROUP/SMITH
BARNEY and SMITH BARNEY, and
AUDREY GIBSON,
Respondent**

DECISION AND ORDER OF DISMISSAL

This case arises under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (the Act), 18 U.S.C. § 1514A *et seq.*, and the regulations promulgated pursuant thereto, 29 C.F.R. Part 1980, brought by Complainant Janet Manly against the above named Respondents.

In June of 2007, Complainant filed a complaint with the Department of Labor Occupational Safety and Health Administration (OSHA) alleging she was terminated by Respondents in violation of the Act. After investigating the complaint, OSHA issued a report dismissing the complaint, finding no reasonable cause to believe Respondents violated the Act. In April of 2008, Complainant objected to the finding and requested a hearing be held before an administrative law judge. On September 16, 2008, Respondents filed a pre-hearing Motion to Dismiss. Complainant filed a response on September 25, 2008. The Court denied Respondents' Motion to Dismiss on October 8, 2008. A hearing date was set for December 16, 2008.

On November 13, 2008, the Court entered an Order Staying Proceeding and Compelling Complainant To Arbitrate SOX Complaint. The Court was advised that the arbitration hearing was set for May, 25, 2010. Following the arbitration hearing, on July 15, 2010, the Parties filed

a Stipulation of Dismissal with Prejudice. Therefore, this matter is **DISMISSED WITH PREJUDICE**, all costs and attorneys' fees in this action to be borne by the Party incurring same.

So ORDERED.

A

LARRY W. PRICE
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).