



*Issue Date: 05 June 2009*

*In the Matter of:*  
**MICHAEL J DEGUELLE**  
**Complainant**

v.

**2009 SOX 00033**

**S.C.JOHNSON & SON INC.**  
**Respondent**

## **ORDER**

### ***GRANTING MOTIONS TO WITHDRAW***

This case was scheduled for hearing May 19, 2009 in Milwaukee, Wisconsin, under the Corporate and Criminal Fraud Accountability Act, Section 806 of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A, implementing regulations found at 29 CFR Part 1980, and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges found at 29 CFR Part 18A.

On April 17, I cancelled the hearing. After a telephone conference, Complainant served Motions to Withdraw on May 15. Respondent has not responded. In the Motion, the Complainant appeared to make a knowing and voluntary request to dismiss the case. 29 C.F.R. § 1980.111. Section 1980.111(c) sets forth:

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 [Administrative Review Board ("ARB" or "Board")]. The judge or the Board, as the case may be, will determine whether the withdrawal will be approved.

There is no reason proffered for any objection. I find that the Motions are well taken.

After having been fully advised in these premises, the Motions to withdraw are **GRANTED** and the claim is **DISMISSED** without prejudice.

**SO ORDERED**

**A**

**DANIEL F. SOLOMON**  
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 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 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).