



In the Matter of:

JOSEPH MESSINA,

ARB CASE NO. 08-136

COMPLAINANT,

ALJ CASE NO. 2008-SOX-018

v.

DATE: October 20, 2008

**HCA INC., COASTAL INPATIENT
PHYSICIANS, HCA PHYSICIAN SERVICES,
ANGELA BRADY, AND DR. JAIRY HUNTER,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Respondent:

Alissa DeCarlo, Barnwell, Whaley Patterson & Helms, LLC, Charleston, South Carolina

FINAL ORDER DISMISSING APPEAL

On August 22, 2008, a United States Department of Labor Administrative Law Judge issued a recommended Order and Summary Decision Dismissing Complainant's Complaint (R. O.) in a case arising under the whistleblower protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VII of the Sarbanes-Oxley Act (SOX).¹ The Respondents filed a timely protective petition with

¹ 18 U.S.C.A. § 1514(A)(West 2007). SOX's section 806 prohibits certain covered employers from discharging, demoting, suspending, threatening, harassing, or in any other manner discriminating against employees who provide information to a covered employer or a Federal agency or Congress regarding conduct that the employee reasonably believes constitutes a violation of 18 U.S.C.A. §§ 1341 (mail fraud), 1343 (wire, radio, TV fraud),

the Administrative Review Board seeking review of the recommended decision. The Secretary of Labor has delegated to the Board her authority to issue final agency decisions under SOX.²

The Complainant, Joseph Messina, did not file a petition for review challenging the R. O. Consequently, the Respondents have filed a letter requesting that they be permitted to withdraw their petition for review. We **GRANT** their request and **DISMISS** their appeal.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge

1344 (bank fraud), or 1348 (securities fraud), or any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders. Employees are also protected against discrimination when they have filed, testified in, participated in, or otherwise assisted in a proceeding filed or about to be filed relating to a violation of the aforesaid fraud statutes, SEC rules, or federal law.

² Secretary's Order No. 1-2002, 67 Fed. Reg. 64,272 (Oct. 17, 2002); 29 C.F.R. § 1980.110(a).