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IN THE MATTER OF:

ANGELA DEVONNE DAMPEER,

ARB CASE NO. 12-006

COMPLAINANT,

ALJ CASE NO. 2011-SOX-033

v.

DATE: DEC -5 2011

**JACOBS ENGINEERING
GROUP, INC.,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**ORDER DENYING MOTION TO DISMISS APPEAL,
AND ALTERNATIVELY TO STRIKE BRIEF**

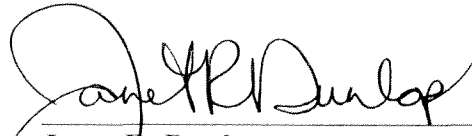
On November 22, 2011, the Respondent, Jacobs Engineering Group, Inc., filed a “Motion to Dismiss Appeal, Alternatively Motion to Strike Brief” in this case arising under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (SOX).¹ In the motion the Respondent avers that “The Rules of the Board provide that a Petition for Review . . . must be filed within ten days of the date an Order is entered to be considered timely filed. Because the Complainant, Angela Dampeer filed her petition on September 30, 2011, and the Administrative Law Judge had issued his Decision and Order on September 16, 2011, the Respondent argues that the petition for review was untimely. The Respondent is incorrect. The SOX’s implementing regulations do not provide, as the Respondent avers, that a petition for review must be filed within ten days. The applicable regulation states, “To be effective, a petition must be filed within 10 **business** days of the date of the decision of the administrative law judge. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing”² The tenth business day after September 16, 2011, was September 30, 2011. Accordingly, Dampeer timely filed her petition, and we **DENY** the Respondent’s Motion to Dismiss.

¹ 18 U.S.C.A. § 1514A (Thomson/West Supp. 2011).

² 29 C.F.R. § 1980.110(a)(2011)(emphasis added).

The Respondent argues in the alternative that we should dismiss Dampeer's petition for review because it fails to "specifically identify the findings, conclusions or orders to which [she] object[s]," citing 29 C.F.R. § 1980.110(a). While we agree that Dampeer's statement of the finding to which she disagrees is somewhat broad, dismissal of the petition would be too severe a penalty without first allowing Dampeer to amend her petition. Had the Respondent timely objected to the petition, we would have done so. But since the Respondent waited nearly six weeks to object and by that time Dampeer had already filed her brief in support of her petition, fully explicating her arguments, it would serve no useful purpose at this time to require her to amend her petition for review. Therefore, we also **DENY** the Respondent's alternative motion to dismiss Dampeer's petition for review.

FOR THE ADMINISTRATIVE REVIEW BOARD:



Janet R. Dunlop
General Counsel

**NOTE: Questions regarding any case pending before the Board should be directed to
the Board's Paralegal Specialists: Telephone: (202) 693-6200
Facsimile: (202) 693-6220**