



IN THE MATTER OF:

KEITHA JEFFERSON,

ARB CASE NO. 14-038

COMPLAINANT,

ALJ CASE NO. 2013-SOX-049

v.

DATE: March 20, 2014

FANNIE MAE,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Paul M. Igasaki, *Chief Administrative Appeals Judge* and Joanne Royce, *Administrative Appeals Judge*

ORDER DISMISSING COMPLAINT

On March 7, 2014, Complainant Keitha Jefferson filed a petition for review of a Department of Labor Administrative Law Judge's Order Granting Leave to Amend Complaint and Decision and Order to Dismiss the Complaint issued February 27, 2014, in this case arising under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002.¹ On March 13, 2014, the Board received a Notice of Intent from Jefferson, in which she stated that on that date, she had filed an action in the United States District Court for the Northern District of Texas, as authorized by 29 C.F.R. § 1980.114(a)(2013), for de novo review of the claim currently pending before the Board.

¹ 18 U.S.C.A. § 1514A (Thomson/West Supp. 2013)(SOX). The Secretary of Labor has delegated authority to issue final decisions in SOX cases to the Administrative Review Board. Secretary's Order No. 2-2012 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 77 Fed. Reg. 69,378 (Nov. 16, 2012); 29 C.F.R. § 1980.110(a).

If the Board has not issued a final decision within 180 days of the date on which the complainant filed the complaint, and there is no showing that the complainant has acted in bad faith to delay the proceedings, the complainant may bring an action at law or equity for de novo review in the appropriate United States district court, which will have jurisdiction over the action without regard to the amount in controversy.² Further, the complainant must file a copy of the file-stamped complaint with the Board within seven days of filing the complaint in Federal court.³

Jefferson has filed a complaint for de novo review in district court and provided the Board with a copy of the file-stamped complaint. Accordingly, we **DISMISS** her SOX complaint filed with the Department of Labor.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge

² 18 U.S.C.A. § 1514A(b)(1)(B); 29 C.F.R. § 1980.114.

³ 29 C.F.R. § 1980.114(b).