



RANDALL PITTMAN,

ARB CASE NO. 14-046

COMPLAINANT,

ALJ CASE NO. 2013-SOX-029

v.

DATE: June 5, 2014

**SIEMENS AG.; SIEMENS
HEALTHCARE DIAGNOSTICS, INC.;
DELOITTE & TOUCHE, LLP;
CONCENTRA HEALTH SERVICES, INC.,
and SIMPLURIS, INC.,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearance:

For the Complainant:

Randall Pittman, *pro se*, Sherman Oaks, California

**Before: Paul M. Igasaki, *Chief Administrative Appeals Judge* and E. Cooper Brown,
*Deputy Chief Administrative Appeals Judge***

ORDER DISMISSING COMPLAINT

On April 7, 2014, the Complainant, Randall Pittman, filed a petition asking the Administrative Review Board to review an Order of Dismissal with Prejudice and Sanctions issued by a Department of Labor Administrative Law Judge in this case arising under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002 (SOX).¹ The Secretary of Labor has delegated to the Board her authority to issue final agency decisions under SOX.² The Board acknowledged this appeal in an order issued on April 8, 2014.

¹ 18 U.S.C.A. § 1514A (Thomson/West Supp. 2013).

² 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)(2013).

On April 17, 2014, the Board received Complainant's Notice of Removal to District Court, in which Pittman stated his intention to bring an action in federal court, as authorized by 18 U.S.C.A. § 1514A(b)(1)(B), for de novo review of the claim currently pending before the Board. 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.³ Accordingly, on April 30, 2014, we ordered the parties to show cause no later than ten (10) days after the date of the order why the Board should not dismiss Pittman's claim pursuant to 18 U.S.C.A. § 1514A(b)(1)(B). The parties were cautioned that should they fail to timely reply to the Order to Show Cause, the Board may dismiss Pittman's claim without further notice.

Neither party has responded to the Show Cause Order. Accordingly, we **GRANT** Pittman's motion to withdraw his claim so that he may proceed in district court.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

³ 18 U.S.C.A. § 1514A(b)(1)(B); 29 C.F.R. § 1980.114(a). The regulation additionally provides that "[w]ithin seven days after filing a complaint in Federal court, a complainant must file with . . . the ARB, . . . a copy of the file-stamped complaint." 29 C.F.R. § 1980.114(b).