



IN THE MATTER OF:

ROBERT S. QUAST,

ARB CASE NO. 14-073

COMPLAINANT,

ALJ CASE NO. 2012-SOX-025

v.

DATE: August 27, 2014

MIDAMERICAN ENERGY CO.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

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

ORDER DISMISSING COMPLAINT

On July 10, 2014, Complainant Robert S. Quast filed a petition for review of a Department of Labor Administrative Law Judge's Decision and Order Dismissing Complaint (D. & O.) issued June 30, 2014, in this case arising under the whistleblower protection provisions of the Sarbanes-Oxley Act of 2002.¹ On August 5, 2014, the Board received a Complainant's Application for Leave to Withdraw Petition for Review, in which Quast stated that he filed a district court action pursuant to 18 U.S.C. § 1514(b)(1)(B) and 29 C.F.R. § 1980.114(a) 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).

Quast filed a SOX complaint with the Occupational Safety and Health Administration on August 22, 2011.² 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 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.⁴

Quast has filed a complaint for de novo review in district court. Accordingly, we **DISMISS** his SOX complaint filed with the Department of Labor.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

² D. & O. at 2.

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

⁴ 29 C.F.R. § 1980.114(b). Although Complainant asserts on his Application for Leave to Withdraw Petition for Review that he “submitted his district court complaint to all required recipients in accordance with 29 C.F.R. § 1980.114(b),” the Board has no record of receiving a stamped copy of the complaint. The Board has confirmed, however, that the complaint was filed. *Quast v. MidAmerican Energy Co.*, 4:14-cv-00278-REL-HEA (S.D. Iowa, July 10, 2014).