



IN THE MATTER OF:

THOMAS RIMINI,

ARB CASE NO. 17-026

COMPLAINANT,

ALJ CASE NO. 2015-SOX-034

v.

DATE: MAR 30 2017

J.P. MORGAN CHASE & CO.,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Thomas Rimini, *pro se*, Winchester, Massachusetts

For the Respondent:

Steven J. Pearlman, Esq.; *Proskauer Rose LLP*, Chicago, Illinois

BEFORE: Paul M. Igasaki, *Chief Administrative Appeals Judge* and Leonard J. Howie, *Administrative Appeals Judge*

ORDER DISMISSING COMPLAINT

On March 8, 2017, Complainant Thomas Rimini filed a notice of his intent to file his Sarbanes-Oxley¹ whistleblower complaint in Federal District Court for “a *de novo* review and resolution of this matter.” If the Department of Labor has not issued a final decision within 180 days of the date on which a complainant filed a SOX complaint² with the Department, and there

¹ This case arises under the whistleblower protection provisions of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C.A. § 1514A (Thomson/West Supp. 2016)(SOX), as amended.

² Rimini filed his complaint with the Occupational Safety and Health Administration on July 31, 2015.

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

Rimini has informed the Board of his intention to forego further adjudication of his SOX complaint before the Department of Labor, and instead pursue it in Federal District Court. Accordingly, we **DISMISS** his SOX complaint.

SO ORDERED.



PAUL M. IGASAKI
Chief Administrative Appeals Judge



LEONARD J. HOWIE
Administrative Appeals Judge

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