



IN THE MATTER OF:

THOMAS REILLY,

ARB CASE NO. 17-028

COMPLAINANT,

ALJ CASE NO. 2017-SOX-004

v.

DATE: MAY 19 2017

GLAXOSMITHKLINE, LLC,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Scott M. Pollins, Esq.; Swarthmore, Pennsylvania

For the Respondent:

Sara A. Begley, Esq., and Nipun J. Patel, Esq.; *Reed Smith LLP*, Philadelphia, Pennsylvania

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

ORDER DISMISSING COMPLAINT

On May 11, 2017, Complainant Thomas Reilly filed a notice of his intent to file his Sarbanes-Oxley¹ whistleblower complaint in Federal District Court. If the Department of Labor has not issued a final decision within 180 days of the date on which a complainant filed a SOX

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.

complaint² with the Department, 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 Reilly filed his SOX complaint in the U.S. District Court for the Eastern District of Pennsylvania on May 4, 2017, and has provided the Board with a copy of the complaint.

Reilly 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

² Reilly filed his SOX complaint with the Occupational Safety and Health Administration on July 20, 2015.

³ 18 U.S.C.A. § 1514A(b)(1)(B).

⁴ 29 C.F.R. § 1980.114(b).