



In the Matter of:

STEVEN KUNKLER,

ARB CASE NO. 03-092

COMPLAINANT,

ALJ CASE NO. 03-SOX-006

v.

DATE: August 21, 2003

GLOBAL FUTURES & FOREX LTD.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER CLOSING CASE

On April 24, 2003, a Department of Labor Administrative Law Judge (ALJ) issued a Recommended Decision and Order (R. D. & O.) in this case arising under the employee protection provisions of the Sarbanes-Oxley Act of 2002 (SOX), P.L. 107-204, Section 806, 18 U.S.C. § 1514A. As of the date the ALJ issued the R. D. & O., the Department had not yet enacted final regulations governing the procedures to be followed to obtain Administrative Review Board review of Recommended Decisions and Orders.¹ The ALJ, who issued the R. D. & O., automatically referred the case to the Administrative Review Board for review.²

The Board issued an Order on April 30, 2003, notifying the parties that they must file petitions within ten business days if they were interested in obtaining the Board's review. The Order also stated, "If no petitions for review are received within the 10-day period, the Board will issue an order closing the case, and the ALJ's Recommended Decision and Order will become the Secretary of Labor's final order as provided in 18 U.S.C. § 1514A(b)(1)(B)." Neither party filed a petition for

¹ The final rules describing the procedures for handling discrimination complaints under the SOX will be found at 29 C.F.R. § 1980. An interim final rule, effective on May 28, 2003, was published at 68 FR 31860.

² The Interim Rules do not provide for automatic review of an R. D. & O. Instead they provide in pertinent part, "The decision of the administrative law judge will become the final order of the Secretary unless, pursuant to this section, a petition for review is timely filed with the Board." 29 C.F.R. § 1980.110(a).

review. Accordingly, we hereby **CLOSE** this case and the ALJ's Recommended Decision and Order will become the Secretary of Labor's final order as provided in 18 U.S.C. § 1514A(b)(1)(B).

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge