



In the Matter of:

MARTIN DOLAN,

ARB CASE NO. 04-077

COMPLAINANT,

ALJ CASE NO. 04-SOX-1

v.

DATE: July 27, 2006

EMC CORPORATION,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant

Thomas Crooks, Esq., *Chicago, Illinois*

For the Respondent

Pamela A. Smith, Esq., *EMC Corporation, Hopkinton, Massachusetts*

**FINAL ORDER APPROVING THE COMPLAINANT'S
WITHDRAWAL OF OBJECTIONS**

This case arises under Section 806 (the employee protection provision) of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (SOX), 18 U.S.C.A. § 1514A (West Supp. 2005), and its implementing regulations found at 29 C.F.R. Part 1980 (2005). Martin Dolan filed a complaint alleging that EMC Corporation retaliated against him in violation of the SOX. On March 24, 2004, an Administrative Law Judge (ALJ) issued a Recommended Decision and Order (R. D. & O.), recommending dismissal of the complaint.

On April 7, 2004, Dolan submitted to this Board a Petition for Review of the R. D. & O. On May 22, 2006, the Board received EMC's motion to stay proceedings pending the parties' settlement of the case. We issued an Order granting the motion on

June 6, 2006. Now before us is Dolan's Withdrawal of Objections, which he filed on July 17, 2006. The Withdrawal states that:

Pursuant to 29 CFR 1980.111(c), Complainant Martin Dolan hereby withdraws his objections to the April 29, 2003 Decision of the Department of Labor, dismissing the above action, and the March 24, 2004 Recommended Decision and Order of Administrative Law Judge Daniel Leland, recommending dismissal of the above action. Complainant hereby seeks the dismissal of the above action against his employer EMC Corporation and his managers, Joanna Bradford and Mark Stocklein, including all claims for relief alleged therein, with prejudice and without costs, each party to bear its own attorney's fees and expenses, with all rights of appeal waived. Complainant's withdrawal of objections is not being made pursuant to a settlement agreement between the parties.

The Secretary of Labor has delegated her authority to issue final administrative decisions in cases arising under the SOX to the Administrative Review Board.¹ Accordingly, we **APPROVE** Dolan's request for withdrawal of his objections to the R. D. & O. and **DISMISS** his appeal.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

¹ See Secretary's Order 1-2002 (Delegation of Authority and Responsibility to the Administrative Review Board), 67 Fed. Reg. 64,272 (Oct. 17, 2002). See also 29 C.F.R. § 1980.110.