

U.S. Department of Labor

Office of Administrative Law Judges
Seven Parkway Center - Room 290
Pittsburgh, PA 15220

(412) 644-5754
(412) 644-5005 (FAX)



Issue Date: 28 September 2007

Case Number: 2006-SOX-88

IN THE MATTER OF:

ROBERT GERMANO
Complainant,

v.

PRUDENTIAL FINANCIAL, INC.
AND PRUDENTIAL INVESTMENT
MANAGEMENT, INC./GERMANO,
Respondents.

ORDER OF DISMISSAL

The above-captioned matter arises under the employee protection provisions of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A.

On September 8, 2006, Complainant responded to a request for status report by advising that he intended to proceed with the transfer of the case to U.S. District Court “within the next several weeks.” The provision at 29 C.F.R. § 1980.114 provides that where the Administrative Review Board (“Board”) has not issued a final decision within 180 of the filing of the complaint, the complainant may bring an action in U.S. district court for *de novo* review so long as there is no showing of delay due to bad faith by the complainant. The regulations require the complainant to provide, fifteen days in advance, notice of the intent to file to the administrative law judge or the Board. 29 C.F.R. § 1980.114(b).

ORDER

In consideration of the aforesaid, IT IS HEREBY ORDERED that this case is dismissed.

A
THOMAS M. BURKE
Administrative Law Judge