



Issue Date: 09 August 2006

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In the Matter of

WILLIAM GOSSETT
Complainant

Case No. 2006 SOX 00101

v.
ISLANDS COMMUNITY BANK,
N.A., et al.

Respondent
.....

Order Dismissing Complaint

This case arises pursuant a complaint of discrimination filed under the employee 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 USC 1514A. The complaint was filed with Occupational Safety and Health Administration on February 1, 2006. Following an investigation, OSHA denied the complaint on May 30, 2006. Complainant, by letter dated June 26, 2006, appealed OSHA's decision to the Office of Administrative Law Judges. A hearing was scheduled to convene on August 22, 2006. On July 27, 2006, Complainant advised that he had decided to file his suit in district court on August 11, 2006, 18 USC 1514A (b)(1)(B), and asked that the administrative process be ended.

The act gives a complainant who has not acted in bad faith the right to bring an action for *de novo* review in an appropriate federal district court if the Secretary of Labor has not issued a final decision within 180 days of the date the complaint was filed. In this matter, 180 days have tolled and a final decision has not issued. Accordingly, these proceedings will be dismissed. Therefore;

ORDER

IT IS ORDERED that the hearing set for August 22, 2006 be, and it hereby is, canceled; and,

IT IS FURTHER ORDERED that the complaint filed in this matter be, and it hereby is, dismissed.

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Stuart A. Levin
Administrative Law Judge