

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 15 August 2006

CASE NO.: 2006-SOX-75

IN THE MATTER OF

**R.M.,
COMPLAINANT**

v.

**WAL-MART STORES, INC.,
RESPONDENT**

ORDER CANCELING HEARING AND ORDER DISMISSING COMPLAINT

On August 3, 2006, Counsel for Complainant pursuant to 29 C.F.R. § 1980.114, indicated an intention to bring this action for *de novo* review in an appropriated U. S. District Court, and so informed the appropriate parties pursuant to 29 C.F.R. § 1980.114 (b).

Since the Administrative Review Board has not issued a final decision in this matter within 180 days of filing of the instant complaint on January 9, 2006, and the delay has not been brought about by any bad faith on part of Complainant, I find the removal to be appropriate and dismiss the Complaint for lack of jurisdiction. *Stone v. Duke Energy*, 432 F. 3d 320 (4th Cir. 2005); *Powers v. Pinnacle Airways Inc.*, ARB No. 05-138 (ARB, Oct. 31, 2005).

IT IS HEREBY ORDERED that the hearing scheduled in the above-entitled claim, set for October 25, 2006, at 9:00 a.m., in Dallas, Texas is **CANCELED**.

A

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE