



Issue Date: 17 March 2006

CASE NO. 2006-SOX-0053

*In the Matter of:*

RANDALL PITTMAN,  
*Complainant,*

vs.

DIAGNOSTIC PRODUCTS CORP.,  
*Respondent.*

### ORDER DISMISSING CLAIM

Complainant Randall Pittman brings this claim under the whistleblower protection provisions of Section 806 of the Sarbanes-Oxley Act of 2002 (“the Act”), 18 U.S.C. §1514A, *et seq.* Mr. Pittman filed his complaint with the Occupational Safety and Health Administration (“OSHA”) in San Francisco, California on December 4, 2005. OSHA, noting that the most recent adverse action alleged by Mr. Pittman was his termination on January 12, 2005, dismissed the complaint as untimely. Mr. Pittman objected to the dismissal of his complaint and requested a hearing in this forum, whereupon he was ordered to show cause why his complaint should be deemed timely under the Act.

Mr. Pittman responded to the show cause order on March 6, 2006. He concedes that a complaint based on the termination of his employment is time-barred, but he alleges that various actions taken by his former employer after he was terminated were “adverse actions,” each of which triggers a new limitations period. None of the post-termination acts alleged by Mr. Pittman appear to constitute adverse employment actions within the meaning of the Act. As a result, Mr. Pittman’s complaint under the Sarbanes-Oxley Act is time-barred. Accordingly, the complaint is hereby **DISMISSED**.

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ALEXANDER KARST  
Administrative Law Judge

AK:kb