

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 04 December 2006**

CASE No. 2006-SOX-123

BONNIE TRACY-FARAONE,  
Complainant,

v.

THE DETROIT NEWSPAPER  
PARTNERSHIP, GANNETT COMPANY, INC.  
Respondent.

ORDER OF DISMISSAL

This case concerns a claim filed by the complainant on May 5, 2006 under Section 806 of the Sarbanes-Oxley Act of 2002. Under that statute, complaints of discrimination by whistleblowers must be filed with the Department of Labor. However, if “the Secretary has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant,” then the complainant may remove the case to Federal District Court for a *de novo* proceeding. 29 C.F.R. § 1980.114(a). The Department of Labor has not completed the adjudication of this case within 180 days, and complainant has elected to remove her case to the Federal District Court for the Eastern District of Michigan. Complainant has submitted a copy of the complaint she has filed with that court, which was on November 30, 2006. Accordingly, the complainant has requested that this proceeding before the Department of Labor be dismissed.

Since this case has been removed to Federal Court, this Office no longer has jurisdiction over it. Therefore,

IT IS ORDERED that this case before the Department of Labor is dismissed.

**A**

THOMAS F. PHALEN, JR.  
Administrative Law Judges