

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 06 December 2006**

Case No.: 2006-SOX-110

In the Matter of:

Patricia J. Wilson,  
Complainant

v.

CBS Corporation (formerly known as  
Viacom Inc.),  
CBS/UPN Television Stations Inc.  
(formerly known as Viacom Television  
Stations, Inc.), and  
CBS Broadcasting Inc.,  
Respondents.

**RECOMMENDED ORDER APPROVING  
REQUEST FOR DISMISSAL**

This proceeding arises under the employee protection provisions of the Sarbanes-Oxley Act of 2002 and the procedural regulations found at 29 C.F.R. Part 18. The U.S. Department of Labor issued the Secretary's Findings on a complaint filed by Patricia J. Wilson, who requested a hearing on these findings. However, the hearing scheduled for October 17, 2006 was cancelled after I was notified that the parties had reached agreement on settlement.

On November 7, 2006, the parties filed a proposed "Order of Dismissal With Prejudice," which stated that, in accordance with the parties' stipulations, the complaint was dismissed in its entirety, with prejudice, and without costs or fees awarded to any parties. The parties also agreed that the dismissal would render the July 6, 2006 Findings of the Secretary moot. This proposed Order was signed by the Complainant's counsel, as well as counsel for the Respondents.

On November 13, 2006, I issued an *Order Requesting Clarification*, advising the parties that, as the Administrative Review Board noted in *Concone v. Capital One Financial Corporation*, ARB No. 05-038, ALJ No. 2005 SOX-6 (ARB April 25, 2005), there are two procedures for terminating a SOX proceeding once a party files objections to findings or a preliminary order. Before the findings become final, a party may withdraw objections by filing a

written withdrawal. Alternatively, the parties may settle if they agree to do so, and the agreement is approved by the Board, or in this case, the Administrative Law Judge. A copy of the settlement agreement must be filed with the Board or the Administrative Law Judge. See 29 C.F.R. § 1980.111. The parties were directed to submit an executed copy of the settlement agreement, if they wished this matter to be dismissed on the basis of such a settlement, or alternatively, the Complainant could submit a request for withdrawal of her objections

By letter dated December 1, 2006, counsel for the Complainant submitted “Complainant’s Withdrawal of Complainant’s July 14, 2006 Statement of Objections to the Secretary’s Findings Pursuant to Judge Chapman’s November 13, 2006 Order. In that motion, counsel represented that the Complainant withdrew her objections to the Secretary’s Findings, and requested that an Order be entered dismissing this matter.

Accordingly, as it is clear that the Complainant no longer wishes to proceed with this matter in this forum, it is recommended that the Complainant’s request for voluntary dismissal be granted and this case be dismissed.

SO ORDERED.

A

LINDA S. CHAPMAN  
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: To appeal, you must file a Petition for Review (“Petition”) with the Administrative Review Board (“Board”) within ten (10) business days of the date of the administrative law judge’s decision. See 29 C.F.R. § 1980.110(a). The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Your Petition is considered filed on the date of its postmark, facsimile transmittal, or e-mail communication; but if you file it in person, by hand-delivery or other means, it is filed when the Board receives it. See 29 C.F.R. § 1980.110(c). Your Petition must specifically identify the findings, conclusions or orders to which you object. Generally, you waive any objections you do not raise specifically. See 29 C.F.R. § 1980.110(a).

At the time you file the Petition with the Board, you must serve it on all parties as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8002. The Petition must also be served on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If no Petition is timely filed, the administrative law judge’s decision becomes the final order of the Secretary of Labor pursuant to 29 C.F.R. § 1980.109(c). Even if you do file a Petition, the administrative law judge’s decision becomes the final order of the Secretary of Labor unless the

Board issues an order within thirty (30) days after the Petition is filed notifying the parties that it has accepted the case for review. See 29 C.F.R. §§ 1980.109(c) and 1980.110(a) and (b).