



In the Matter of:

KEITH LOWE,

COMPLAINANT,

v.

**TERMINIX INTERNATIONAL
COMPANY, L.P.,**

RESPONDENT.

ARB CASE NO. 07-004

ALJ CASE NO. 06-SOX-089

DATE: August 23, 2007

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Steve Kardell, Jr., Esq., Clouse, Dunn, Khoshbin, LLP, Dallas, Texas

**FINAL ORDER APPROVING WITHDRAWAL OF COMPLAINANT'S
PETITION FOR REVIEW AND DISMISSING APPEAL**

On September 15, 2006, a Department of Labor Administrative Law Judge (ALJ) issued a Ruling on a Motion to Deem Admitted and Motion for Summary Decision (Decision) in this case arising under the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (SOX),¹ and its implementing regulations.² The ALJ found that

¹ 18 U.S.C.A. § 1514A (West 2007). Title VIII of Sarbanes-Oxley is designated as the Corporate and Criminal Fraud Accountability Act of 2002. Section 806 provides protection to employees against discrimination by companies with a class of securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and companies required to file reports under section 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. § 78o(d), or any officer, employee, contractor, subcontractor, or agent of such companies because the employee provided information to

the Respondent, Terminix International Company, L.P., was entitled to summary decision on a complaint filed by the Complainant, Keith Lowe.

On October 2, 2006, Lowe filed with the Administrative Review Board (Board) a petition requesting the Board to review the ALJ's ruling. The Board issued a Notice of Appeal and Briefing Schedule on October 13, 2006.

On November 27, 2006, the Board received Lowe's request that his Petition for Review be withdrawn. If the Board grants a party's request to dismiss its appeal, the ALJ's decision in the case becomes the final decision of the Secretary of Labor.³ Accordingly, we **GRANT** Lowe's request to withdraw his Petition for Review and **DISMISS** his appeal.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge

the employer, a Federal agency or Congress relating to alleged violations of 18 U.S.C. 1341, 1343, 1344, or 1348, or any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders. In addition, SOX protects employees against discrimination when they have filed, testified in, participated in, or otherwise assisted in a proceeding filed or about to be filed against one of the above companies relating to any such violation or alleged violation. 18 U.S.C.A. § 1514A (a)(1), (2).

² 29 C.F.R. Part 1980 (2007).

³ See 29 C.F.R. § 1980.109(c). *Accord Johnson v. EG&G Def. Materials, Inc.*, ARB No. 06-067, ALJ No. 2005-SDW-002, slip op. at 2 (ARB May 25, 2006).