



Issue Date: 20 April 2006

CASE NO: 2005-SOX-104

In the Matter of:

MARTIN J. DETMER
Complainant

v.

CARDINAL HEALTH, INC.
Respondent

**ORDER APPROVING COMPLAINANT'S VOLUNTARY
WITHDRAWAL OF OBJECTIONS**

This case arises out of a complaint filed pursuant to the employee protection provision of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002, 18 U.S.C. § 1514A. On April 1, 2005, Complainant filed a complaint with the Department of Labor alleging retaliation in connection with his discharge from employment. On July 21, 2005, the Assistant Secretary dismissed the complaint. On August 19, 2005, Complainant filed Objections to Secretary's Findings & Request For a Hearing Before an Administrative Law Judge. Pursuant to the February 13, 2006 Order Rescheduling Hearing, the undersigned set a hearing date of May 2, 2006, continuing as necessary through May 4, 2006. On April 18, 2006, Complainant filed a Voluntary Withdrawal of Objections pursuant to 29 C.F.R. § 1980.111(c).

Section 1980.111(c) provides in part that "at any time before the findings or order become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge." Approval of Complainant's request effectively removes his August 19, 2005 objections and his request for a hearing before the undersigned. As the Assistant Secretary previously advised the parties, in the absence of an objection and request for a hearing, the Assistant Secretary's findings and preliminary order become the final order of the Secretary of Labor. Therefore, in accordance with § 1980.111(c), as the Assistant Secretary's findings are not yet final and Complainant has filed a written withdrawal, I find that approval of the withdrawal is appropriate.

IT IS HEREBY ORDERED that Complainant's Voluntary Withdrawal of Objections is approved and the above-captioned matter is hereby **DISMISSED WITH PREJUDICE**. The hearing scheduled for May 2, 2006 is cancelled.

A

DANIEL L. LELAND
Administrative Law Judge