

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 14 February 2005

CASE NO.: 2005-SOX-22

IN THE MATTER OF

**JOSEPH GORDON,
Complainant**

v.

**CINERGY CORPORATION,
Respondent**

DECISION AND ORDER OF DISMISSAL

The Complainant in this matter having removed this case to the United States District Court for the Southern District of Texas; therefore, the pending proceeding before this office is **DISMISSED without prejudice**. Accordingly, the formal hearing scheduled for February 19, 2005, in Houston, Texas, is **CANCELLED**.

So ORDERED this 14th day of February, 2005.

A

**C. RICHARD AVERY
Administrative Law Judge**

CRA:bbd

NOTICE OF APPEAL RIGHTS: This decision shall become the final order of the Secretary of Labor pursuant to 29 C.F.R. §§ 1979.110, unless a petition for review is timely filed with the Administrative Review Board ("Board"), US Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210, and within 30 days of the filing of the petition, the ARB issues an order notifying the parties that the case has been accepted for review. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily shall be deemed to have been waived by the parties. To be effective, a petition must be filed within ten business days of the date of the decision of the administrative law judge. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing; if the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt. The petition must be served on all parties and on the Chief Administrative Law Judge at the time it is filed with the Board. Copies of the petition for review and all briefs must be served on the Assistant Secretary, Occupational Safety and Health Administration, and on the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210. *See* 29 C.F.R. §§§ 1979.109(c) and 1979.110(a) and (b), as found OSHA, Procedures for the Handling of Discrimination Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002; Interim Rule, 68 Fed. Reg. 31860 (May 29, 2003).