



**In the Matter of:**

**MARGOT GETMAN,**

**ARB CASE NO. 04-059**

**COMPLAINANT,**

**ALJ CASE NO. 2003-SOX-8**

**v.**

**DATE: March 7, 2006**

**SOUTHWEST SECURITIES, INC.,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

***For the Complainant:***

***Margot Getman, pro se, Plattsburgh, New York***

***For the Respondent:***

***Stuart E. Blaugrund, Esq., Celeste Yeager Winford, Esq., Gardere Wynne  
Sewell, L.L.P., Dallas, Texas***

**ORDER DENYING RECONSIDERATION**

On July 29, 2005, the Administrative Review Board (ARB or Board) issued a Final Decision and Order in this case arising under Section 806 (the employee protection provision) of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act of 2002 (SOX), 18 U.S.C.A. § 1514A (West Supp. 2005), and its implementing regulations. 29 C.F.R. Part 1980 (2005). The Board concluded that Getman did not engage in protected activity as defined by the SOX and therefore was not entitled to relief. On September 20, 2005, Getman filed a Motion to Reconsider (Motion) requesting that the Board reconsider its ruling.

The ARB is authorized to reconsider earlier decisions. See *Knox v. United States Dep't of Interior*, ARB No. 03-040, ALJ No. 2001-CAA-3 (Oct. 24, 2005). The Board has adopted principles federal courts employ in deciding requests for reconsideration. We will reconsider our decisions under similar limited circumstances, which include: (i)

material differences in fact or law from that presented to a court of which the moving party could not have known through reasonable diligence, (ii) new material facts that occurred after the court's decision, (iii) a change in the law after the court's decision, and (iv) failure to consider material facts presented to the court before its decision. *See, e.g., Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995); *Virgin Atl. Airways, Ltd. v. National Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992); *Weinstock v. Wilk*, 2004 WL 367618, at \*1 (D. Conn. Feb. 25, 2004); *Motorola, Inc. v. J.B. Rodgers Mech. Contractors, Inc.*, 215 F.R.D. 581, 582-586 (D. Ariz. 2003).

Getman presents three arguments in support of her contention that the Board erred in dismissing her complaint. First, she contends that her refusal to change her rating was not "unspecified" (as we concluded in our Final Decision). Second, she argues that she did not "cover" Cholestech for SWS. Finally, Getman contends that the context of her refusal could only have been interpreted as an accusation that SWS was engaging in fraud against shareholders. These contentions merely reiterate points raised in her original appeal to the Board and which the Board rejected in the Final Order dismissing her complaint. It is thus unnecessary for us to address those contentions again. *See, e.g., Chelladurai v. Core Consultants Inc.*, ARB No. 02-110, ALJ No. 2002-LCA-10 (ARB Dec. 11, 2003). Because Getman's Motion for Reconsideration does not satisfy any of the above-mentioned circumstances under which we will reconsider our rulings, her motion is **DENIED**.

**SO ORDERED.**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

**M. CYNTHIA DOUGLASS**  
**Chief Administrative Appeals Judge**

**OLIVER M. TRANSUE**  
**Administrative Appeals Judge**