

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 24 May 2006In the Matter of

MARY ALICE WELSH
Complainant

v.

REGIONS BANK
Respondent

Case No. 2006-SOX-00068

ORDER APPROVING WITHDRAWAL

A hearing in this case arising under the employee protection provisions of the Sarbanes-Oxley Act was scheduled to be held in Memphis, Tennessee on June 1, 2006. Under the regulations applicable to such claims, at 29 C.F.R. §1980.111(c),

At any time before [OSHA's] findings 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 The judge . . . will determine whether to approve the withdrawal.

In letters dated May 8 and May 18, 2006, complainant states that she wants to "drop" this case. She states that she has not been able to obtain legal counsel, and in any event has been advised by an attorney "that it would be futile to proceed under Sarbanes-Oxley 2002 because I did not file my complaint within the 90-Day deadline." The respondent's counsel does not object to complainant's withdrawal of her objections to OSHA's determination.

Since OSHA's determination that the claim was untimely is clearly correct, complainant has nothing to gain by proceeding with it. Accordingly, I approve her request to withdraw her objections to OSHA's findings, and

IT IS ORDERED that this case is dismissed. Since the case is dismissed, the June 1, 2006 hearing is cancelled.

A

JEFFREY TURECK
Administrative Law Judge

