

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

SOPHIA R. LEWIS,

ARB CASE NO. 2024-0058

COMPLAINANT,

ALJ CASE NOS. 2023-SOX-00010

2023-SOX-00011

v.

ALJ CHRISTOPHER LARSEN

AMERICAN EXPRESS,

DATE: November 12, 2024

RESPONDENT.

ORDER

On August 12, 2024, Complainant Sophia R. Lewis filed a Petition for Review with the Administrative Review Board (Board) of Administrative Law Judge Christopher Larsen’s Decision and Order, issued on August 8, 2024. On August 26, 2024, the Board issued a Notice of Appeal Acceptance, Electronic Filing Requirements, and Briefing Order which, among other things, directed Complainant to file an opening brief on or before September 23, 2024. After the parties requested two extensions to the briefing schedule, the Board extended Complainant’s deadline to file an opening brief to November 4, 2024.

Complainant did not file an opening brief by the deadline. Instead, on November 4, 2024, Complainant filed a Notice of Intent to File in U.S. District Court. Citing 29 C.F.R. § 1980.114, Complainant states that she “provides notice to the [Board] of her intent to bring an action for *de novo* review in the appropriate district court of the United States for equitable and monetary relief and a trial by jury.”

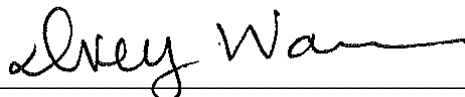
The Sarbanes-Oxley Act (SOX) permits a complainant to file a *de novo* complaint in federal district court if the Secretary of Labor has not issued a final decision on the complainant’s SOX claims within 180 days of the filing of the administrative complaint with the Department of Labor’s Occupational Safety and

Health Administration (OSHA).¹ To invoke this right, a complainant must file the de novo complaint in the appropriate federal district court and then file a file-stamped copy of the complaint with the Board within seven days.²

Although Complainant has expressed her intent to file a de novo complaint in district court, the Board has not received a copy of a file-stamped complaint or any other indication that Complainant has filed as of now. Unless and until Complainant files a complaint in federal court pursuant to this provision or the case is otherwise disposed of, this case remains pending and active before the Board and Complainant is required to comply with the Board's orders, including the order to file an opening brief by November 4, 2024.

The Board **ORDERS** Complainant to either file a file-stamped copy of a district court complaint pursuant to 29 C.F.R. § 1980.114, or to file an opening brief in this appeal, within fourteen calendar (14) days of the date of this Order. If the Board does not receive either a file-stamped copy of the complaint or an opening brief by the deadline, the Board may dismiss Complainant's appeal without further notice to the parties.³

SO ORDERED.



IVEY S. WARREN
Administrative Appeals Judge



ANGELA W. THOMPSON
Administrative Appeals Judge

¹ 18 U.S.C. § 1514A(b)(1)(B); 29 C.F.R. § 1980.114(a).

² 29 C.F.R. § 1980.114(a), (c). The complainant must also serve a copy of the complaint on the OSHA official who issued the findings and/or preliminary order, the Assistant Secretary of Labor for Occupational Safety and Health, and the Associate Solicitor for the Division of Fair Labor Standards. *Id.* § 1980.114(c).

³ *Ramos v. Globant S.A.*, ARB No. 2022-0042, ALJ No. 2022-SOX-00004, slip op. at 2 (ARB Aug. 11, 2022) (Order to Show Cause) (noting the Board's authority to issue sanctions, including dismissal, for a party's failure to comply with its orders and briefing requirements). The Board cautions Complainant that if it dismisses this appeal before she files a complaint in federal district court, Complainant may lose the ability to seek de novo review. *See Schooler v. Ford Motor Co.*, ARB No. 20224-0014, ALJ No. 2023-SOX-00015, slip op. at 3-4 (ARB Apr. 5, 2024) (Notice of Order Granting Complainant's Request to Dismiss Petition for Review); *Ramos v. Globant S.A.*, ARB No. 2022-0042, ALJ No. 2022-SOX-00004, slip op. at 4-5 (ARB Sept. 9, 2022) (Notice of Order Granting Complainant's Request to Withdraw Petition for Review).