



IN THE MATTER OF:

KARAMCHAND SAMAROO,
COMPLAINANT,

v.

BANK OF NEW YORK MELLON,
RESPONDENT.

ARB CASE NO. 2021-0021

ALJ CASE NO. 2019-SOX-00010

DATE: April 12, 2021

**Before: James D. McGinley, *Chief Administrative Appeals Judge*, and
Thomas H. Burrell, *Administrative Appeals Judge***

ORDER DISMISSING COMPLAINT

PER CURIAM. This case arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley Act (SOX or Section 806), as amended, and its implementing regulations.¹ On March 16, 2021, the Administrative Review Board (Board) issued a Notice of Appeal and Order Establishing Briefing of the Administrative Law Judge Noran J. Camp's Decision and Order Granting Respondent's Motion for Summary Judgement issued February 24, 2021.

On April 7, 2021, Complainant filed a Notice with the Board indicating that on March 23, 2021, he had filed an original action pursuant to 29 C.F.R. § 1980.114, with the United States District Court for the Eastern District of New York, seeking review.

Since Complainant has chosen to proceed in district court, the Department of Labor no longer has jurisdiction over his case. As the statute provides, the "district

¹ 18 U.S.C. § 1514A (2010); 29 C.F.R. Part 1980 (2020).

court of the United States . . . shall have jurisdiction over such an action.”² We therefore **DISMISS** this case on the ground that Complainant has removed it to district court.

SO ORDERED.

² 18 U.S.C. § 1514A(b)(1)(B); see also *Kelly v. Sonic Auto.*, ARB No. 2008-0027, ALJ No. 2008-SOX-00003, slip op. at 4 (ARB Dec. 17, 2008) (the filing of Kelly’s SOX complaint in district court deprived the Department of Labor of jurisdiction over his complaint).