IN THE MATTER OF:

JAMES LUTZ,

      COMPLAINANT,

      v.

NEW CUMBERLAND HOSPITALITY,
INC., et al,

      RESPONDENT.

ARB CASE NO. 2022-0021

ALJ CASE NO. 2018-SOX-00016

DATE: February 10, 2022

Appearances:

For the Complainant:
    John T. Harrington, Esq.; *The Employment Law Group, PC*;
Washington, District of Columbia

For the Respondent New Cumberland Hospitality, Inc:
    Joshua L. Schwartz, Esq.; *Barley Snyder*; Lancaster, Pennsylvania

*For the Respondent The JDK Group, Inc., Metalaye Enterprises, Inc., and
Jennifer Delaye:*
    Lindsey E. Snavely, Esq., *Pillar Aught, LLC,* Harrisburg,
Pennsylvania

For the Respondent Choice Hotels, Inc:
    Stewart S. Manela, Esq., *Choice Hotel, Inc., Washington, District of
Columbia*

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

ORDER APPROVING WITHDRAWAL OF COMPLAINANT'S PETITION FOR REVIEW AND DISMISSING APPEAL

PER CURIAM. On December 29, 2021, a Department of Labor Administrative Law Judge (ALJ) issued a Decision and Order Denying Relief in this case arising under the employee protection provisions of the Sarbanes-Oxley Act of 2002 (SOX).[1] On January 11, 2022, Complainant filed a Petition for Review of the ALJ's ruling with the Administrative Review Board (Board).

On February 8, 2022, the Board received Complainant's Motion to Withdraw Petition for Review. Pursuant to the SOX regulations, "a party may withdraw its petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB."[2] Accordingly, we **GRANT** Complainant's request to withdraw the Petition for Review and **DISMISS** the appeal.

SO ORDERED.

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[1]   18 U.S.C. § 1514A, and its implementing regulations, 29 C.F.R. Part 1980.

[2]   29 C.F.R. §1980.111(c). This provision further states that "[i]f the ARB approves a request to withdraw a petition for review of an ALJ decision, and there are no other pending petitions for review of that decision, the ALJ's decision will become the final order of the Secretary."