



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 09-00-002

SUBJECT: Whistleblower Closing Conference Pilot

DIRECTORATE/REGION: Directorate of Whistleblower Protection Programs

SIGNATURE DATE: 6/12/2026

EFFECTIVE DATE: 8/3/2026

ABSTRACT

Purpose: The purpose of this Notice is to establish a year-long, nationwide Whistleblower Protection Programs pilot in which holding a closing conference will be optional. The use of particular Secretary's Findings templates in cases in which a closing conference is not conducted will also be required. The purpose of this pilot is to test the efficiency of removing the closing conference from the investigation process.

Scope: This Notice applies to all participating Regions.

References: CPL 02-03-011, Whistleblower Investigations Manual (April 29, 2022); CPL 02-03-010, Whistleblower Protection Program Pilot Procedures Directive (July 20, 2020).

Cancellation: None.

State Impact: None.

Action Offices: All participating Regions

Originating Office: Directorate of Whistleblower Protection Programs (DWPP)

Contact: Director
Directorate of Whistleblower Protection Programs
200 Constitution Avenue, NW, Room N-3622
Washington, DC 20210
Tel.: (202) 691-2199

By and Under the Authority of

David Keeling
Assistant Secretary

Executive Summary

The Whistleblower Investigations Manual (WIM) currently requires the investigator to conduct a closing conference with a party before the investigator recommends that OSHA issue Secretary's Findings against the party (*i.e.*, the complainant in cases in which OSHA anticipates issuing non-merit findings, or the respondent(s) in Administrative Law Judge (ALJ)-statute cases in which OSHA anticipates issuing merit findings). The purpose of the closing conference is for the investigator to provide the party a brief verbal summary of their recommended disposition of the case, the basis for the recommendation, and a last opportunity for the party to provide evidence supporting their case, as well as to inform the party of their right to appeal/request review if the recommendation is accepted as OSHA's final determination.

This Notice establishes a year-long, nationwide Whistleblower Protection Programs pilot in which conducting a closing conference will not be required. In cases where a closing conference is not conducted, the use of the appropriate Secretary's Findings template provided with this Notice (see Appendices A-D) is required. This pilot tests whether forgoing closing conferences and using the enclosed templates would effectively streamline the case disposition process.

- I. **Subject:** This Notice implements a Nationwide Pilot to implement an alternative case closure process for docketed complaints.
- II. **Purpose:** The purpose of this pilot is to test the adequacy and efficiency of alternative closure procedures for any case pending dismissal as well as for ALJ-statute cases pending merit.
- III. **Scope:** This Notice applies to all regions participating in the pilot.
- IV. **References:** [CPL 02-03-011](#), Whistleblower Investigations Manual (WIM) (April 29, 2022); [CPL 02-03-010](#), Whistleblower Protection Program Pilot Procedures Directive (Pilot Procedures Directive) (July 20, 2020).
- V. **Expiration:** This Notice expires one year following its effective date.
- VI. **Action:** OSHA personnel in participating Regions must follow the procedures contained in this notice.
- VII. **Background**
WIM Chapter 4.XVII states, "Upon completion of the field investigation and after discussion of the case with the supervisor, the investigator will conduct a closing conference with Complainant (in cases in which OSHA anticipates issuing non-merit findings) or Respondent (in administrative cases in which OSHA anticipates issuing merit findings)." The purpose of the closing conference is to provide a brief verbal summary of the investigator's recommendation for OSHA's disposition of the case, the basis for the recommendation, and a last opportunity for the party to provide evidence supporting their case, as well as to inform the party of their right to appeal/request

review. In the past, OSHA has found that well-conducted closing conferences reduce the appeal rate. However, the requirement for investigators to attempt to hold a closing conference during each field investigation has put great strain on OSHA's investigative resources, particularly where the party is nonresponsive, uncooperative, and/or combative. As with well-conducted closing conferences, OSHA believes that detailed Secretary's Findings letters can ensure that parties understand how OSHA arrived at its determination and thereby reduce the volume of appeals and requests for review of OSHA's determinations.

In order to make more efficient use of their limited resources while providing strong customer service, Regions that elect to participate in this pilot will enact two changes:

- Closing conferences will be optional;
- When a closing conference is not conducted, use of the attached templates will be required. Supervisors must ensure that the final letter provides sufficient detail to fully explain OSHA's reasoning for the determination.

As a national pilot, this alternative procedure is available to all Regions who choose to participate.

This procedure applies only as an alternative to the "closing conference" requirement imposed by WIM Chapter 4.XVII. It does not affect, for example, the procedure to provide respondents a "due process" notification and an opportunity to meet with the investigator in response to it in cases involving a potential order of preliminary reinstatement. *See* WIM Chapter 5.VII.A.1.b-d.

VIII. Procedure

1. Upon completion of the investigation and after discussion of the case with the supervisor, the following processes will be used depending on whether the closing conference is conducted:
 - a. If a closing conference is conducted, the investigator will conduct the conference in accordance with WIM, Ch. 4, sec. XVII and follow the Case Disposition procedures in WIM Ch. 5.
 - b. If a closing conference is not held, the investigator will follow the Case Disposition procedures in WIM Ch. 5 *except* the investigator must draft the Secretary's Findings using the appropriate template in Appendix A, B, C, or D of this Notice. Supervisors must ensure that the Secretary's Findings contain details sufficient for a reasonable person to understand the particulars of the allegation and how OSHA came to its conclusion based on the evidence (or lack thereof) provided by the parties.

IX. Evaluation

In accordance with the Pilot Procedures Directive, at the halfway point (6 months) and again at the conclusion of the pilot (12 months), the DWPP Pilot Program Lead will, after consultation with and input from participating Regions, submit an evaluation report to the DWPP Director, that will include the following:

- A. An analysis of the data for the 6-month and 12-month period of this pilot compared to a 12-month period prior to this pilot.
 - Each region's overall Request for Review (RFR), ALJ appeal, and settlement rate.
 - A comparison of the reason(s) the party provides for why they are requesting review/filing the appeal and what is stated in the Findings.
 - A breakdown of RFR results (determination upheld, case returned to region, etc.).
 - To the extent available during the evaluation period, a breakdown of ALJ-appeal results.
- B. An audit of whether Findings issued during this pilot were created using, as appropriate, the templates provided and, if so, contained sufficiently detailed information.
- C. Any relevant comments, feedback, or anecdotes submitted by WPP staff (including RFR reviewers) or found in the complainants' requests for review/appeal filings.
- D. An analysis of the above to determine:
 - a. Whether the pilot affected RFR/appeal rates.
 - b. Whether the pilot reduced the resource burden of the case disposition process.
 - c. Whether investigators' experiences and impressions of the pilot were positive or negative.
 - d. Any positive or negative impact on customer service or complainants' effectuation of their rights.
- E. A recommendation as to whether the pilot program should be implemented as national policy, renewed, revised, or canceled.

X. List of Appendices

Appendix A: Section 11(c), ISCA, AHERA Non-Merit Secretary's Findings Template

Appendix B: ALJ Non-Merit Secretary's Findings Template

Appendix C: Mixed Statute (Section 11(c), ISCA, AHERA/ ALJ) Non-Merit Secretary's Findings Template

Appendix D: ALJ Merit Secretary's Findings Template

Appendix A
Section 11(c), ISCA, AHERA Non-Merit Secretary's Findings Template

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Whistleblower Protection Program



Date

Name (Complainant)
c/o Designated Representative (if applicable)
Street Address
City, State ZIP
Email address (if applicable)

Re: Respondent/Complainant/Case Number

Dear First and Last Name:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by **you/your client** (Complainant) against **Respondent** (Respondent) on **date**, under **Statute and Citation**. In brief, **Complainant** alleged **[describe allegation]**.

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through **his/her** agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), **Choose an item**. Region, finds that there is no reasonable cause to believe that Respondent violated **Statute** and issues the following findings:

Secretary's Findings

Respondent **is/is not** covered under the **Statute**. **[Explain Respondent's business and, if applicable, explain why Respondent is not covered by the applicable Act]**

Complainant **is/is not** covered under the **Statute**. **[Explain Complainant's job title and duties and, if applicable, explain why Complainant is not covered by the applicable Act]**

{If there is no coverage of either the Complainant or the Respondent, skip the material below until the sentence that begins "Based on the discussion above, OSHA dismisses this complaint because...."}

The investigative records reflect that on **date**, Respondent **[describe adverse action]**. On **date**, Complainant filed a complaint with OSHA. Because this complaint **was/was not** filed within

Choose an item. days of the alleged adverse action, it is deemed timely/untimely [explain tolling, if applicable]. [If untimely, skip the material below until the sentence that begins “Based on the discussion above, OSHA dismisses this complaint because....”].

[Include a narrative containing a brief description of Complainant’s allegation(s), a brief description of Respondent’s defense(s), and a brief explanation of the events relevant to the determination, including facts and dates related to any protected activity and adverse action.

Following the narrative, provide a brief summary of OSHA’s analysis on each element and/or issue relevant to the determination and OSHA’s conclusion that there has been no violation of the statute(s).]

Based on the discussion above, OSHA dismisses this complaint because [choose one]:

- Complainant or Respondent [or both] is/are not covered under Statute because [insert reason that there is no coverage];
- Complainant did not file the complaint within the Choose an item. days allowed by Statute and there is no basis for tolling the filing period;
- OSHA has no reasonable cause to believe that Complainant engaged in protected activity under Statute because [state reason that there is no protected activity];
- OSHA has no reasonable cause to believe that Complainant suffered an adverse action because [insert reason for OSHA’s conclusion]; or
- OSHA has no reasonable cause to believe that but for Complainant’s protected activity the adverse action would not have been taken against Complainant because [insert brief explanation for OSHA’s conclusion that there is no nexus between the protected activity and the adverse action].

This case will be closed unless you send a request for review in writing to:

Primary method: via email to RFR@dol.gov

Secondary method: (if unable to send via email) – via hard copy submission to:

Directorate of Whistleblower Protection Programs

Attn: Request for Review

U.S. Department of Labor-OSHA

200 Constitution Ave. NW Room N-3622

Washington, D.C. 20210

With a copy to:

Regional Administrator

Contact Information

To be considered, a request for review must be sent within 15 calendar days of receipt of this letter. (If regular mail is used, the date of filing is the date of the postmark.) If you request a review, the Directorate of Whistleblower Protection Programs (DWPP) will review the case file to ascertain whether the investigation adequately dealt with all factual issues and the investigation was conducted fairly and in accordance with applicable policies and laws. The outcome of this review will be one of the following: return of the case to the Regional Administrator for further investigation, a recommendation to the Regional Solicitor's Office for litigation, or denial of the request for review. If DWPP upholds the dismissal, the case is closed.

Sincerely,

Supervisor's Name

Supervisor's Title

Cc: Complainant (as necessary, if represented)

Respondent

Respondent's counsel

Appendix B
ALJ Non-Merit Secretary's Findings Template

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Whistleblower Protection Program



Date

Name (Complainant)
c/o Designated Representative (if applicable)
Street Address
City, State ZIP
Email address (if applicable)

Re: Respondent/Complainant/Case Number

Dear First and Last Name:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by **you/your client** (Complainant) against **Respondent** (Respondent) on **date**, under **Statute and Citation**. In brief, Complainant alleged **[describe allegation]**.

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through **his/her** agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), **Choose an item**. Region, finds that there is no reasonable cause to believe that Respondent violated **Choose Statute Acronym** and issues the following findings:

Secretary's Findings

Respondent **is/is not** covered under **Choose Statute Acronym**.
[Explain Respondent's business and, if applicable, explain why Respondent is not covered by the Act.]

Complainant **is/is not** covered under **Choose Statute Acronym**. **[Explain Complainant's job title and duties, and, if applicable, explain why Complainant is not covered by the Act.]**

[If there is no coverage of either Complainant or Respondent, skip the material below until the sentence that begins "Based on the discussion above, OSHA dismisses this complaint because...."]

The investigative records reflect that on **date**, Respondent **[describe adverse action]**. On **date**, Complainant filed a complaint with OSHA. Because this complaint **was/was not** filed within **Choose an item**. days of the alleged adverse action, it is deemed **timely/untimely** **[explain tolling, if necessary]**. **[If untimely, skip the material below until the sentence that begins “Based on the discussion above, OSHA dismisses this complaint because....”]**.

[Include a narrative containing a brief description of Complainant’s allegation(s), a brief description of Respondent’s defense(s), and a brief explanation of the events relevant to the determination, including facts and dates related to any protected activity and adverse action.]

Following the narrative, provide a brief summary of OSHA’s analysis on each element and/or issue relevant to the determination and OSHA’s conclusion that there has been no violation of the relevant statute(s).]

Based on the discussion above, OSHA dismisses this complaint because **[choose one]**:

- **Complainant or Respondent [or both] is/are not covered under Choose Statute Acronym because [insert reason that there is no coverage];**
- **Complainant did not file the complaint within the Choose an item. days allowed by Choose Statute Acronym and there is no basis for tolling the filing period;**
- **OSHA has no reasonable cause to believe that Complainant engaged in protected activity under Choose Statute Acronym because [state reason that there is no protected activity];**
- **OSHA has no reasonable cause to believe that Complainant suffered an adverse action because [insert reason for OSHA’s conclusion];**
- **OSHA has no reasonable cause to believe that Complainant’s protected activity was a Choose an item. factor in Respondent’s adverse action against Complainant because [insert brief explanation for OSHA’s conclusion that there is no nexus between the protected activity and the adverse action]; or**
- **There is reasonable cause to believe that Complainant’s protected activity was a Choose an item. factor in Respondent’s adverse action against Complainant because [insert brief explanation for OSHA’s conclusion that there is a nexus between the protected activity and the adverse action]. However, Respondent has shown by Choose an item. evidence that it would have taken the same action absent the protected activity. [Insert brief explanation for OSHA’s conclusion that the affirmative defense was met.]**

Any party may object to these Findings and request a hearing before an Administrative Law Judge (ALJ). Objections must be submitted in writing within **30 days/60 days [PSIA]** of receipt of these Findings. If no objections are filed, these Findings will become final and not subject to court review. Objections must be sent to:

Primary method: via email to OALJ-Filings@dol.gov

Secondary method: (if unable to send via email) – via hard copy submission to:

Chief Administrative Law Judge
Office of Administrative Law Judges
United States Department of Labor
200 Constitution Ave NW
Room S-4325
Washington, DC 20210
Phone: (202) 693-7500
Fax: (202) 693-7365

With a copy to:

Regional Administrator
Contact Information

With a copy to:

Respondent
Respondent's Contact Information

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an ALJ in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board (ARB), and the Secretary of Labor may review ARB decisions at the Secretary's discretion. A copy of this letter has been sent to the Chief ALJ along with a copy of your complaint.

Sincerely,

Supervisor's Name
Supervisor's Title

Cc: Complainant (as necessary, if represented)
Respondent
Respondent's counsel
U.S. DOL Chief Administrative Law Judge

Appendix C
Mixed Statute (Section 11(c), ISCA, AHERA/ ALJ) Non-Merit Secretary's Findings Template

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Whistleblower Protection Program



Date

Name (Complainant)
c/o Designated Representative (if applicable)
Street Address
City, State ZIP
Email address (if applicable)

Re: Respondent/Complainant/Case Number

Dear First and Last Name:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by **you/your client** (Complainant) against **Respondent** (Respondent) on **date**, under **Statute and Citation** and **Statute and Citation**. In brief, **Complainant** alleged [describe allegation].

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through **his/her** agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), **Choose an item**. Region, finds that there is no reasonable cause to believe that Respondent violated **Choose Statute Acronym** or **Choose Statute Acronym** and issues the following findings:

Secretary's Findings

Respondent **is/is not** covered under **Choose Statute Acronym** . [Explain Respondent's business and, if applicable, explain why Respondent is not covered by the applicable Act]

Complainant **is/is not** covered under **Choose Statute Acronym** [Explain Complainant's job title and duties and, if applicable, explain why Complainant is not covered by the applicable Act]

Respondent **is/is not** covered under **Choose Statute Acronym** . [Explain Respondent's business and, if applicable, explain why Respondent is not covered by the applicable Act]

Complainant is/is not covered under Choose Statute Acronym [Explain Complainant's job title and duties and, if applicable, explain why Complainant is not covered by the applicable Act]

{If there is no coverage of either the Complainant or the Respondent, skip the material below until the sentence that begins "Based on the discussion above, OSHA dismisses this complaint because...."}

The investigative records reflect that on date, Respondent [describe adverse action]. On date, Complainant filed a complaint with OSHA. Because this Choose Statute Acronym complaint was/was not filed within Choose an item. days of the alleged adverse action, it is deemed timely/untimely [explain tolling, if applicable].

Because this Choose Statute Acronym complaint was/was not filed within Choose an item. days of the alleged adverse action, it is deemed timely/untimely [explain tolling, if applicable]. [If untimely, skip the material below until the sentence that begins "Based on the discussion above, OSHA dismisses this complaint because...."].

[Include a narrative containing a brief description of Complainant's allegation(s), a brief description of Respondent's defense(s), and a brief explanation of the events relevant to the determination, including facts and dates related to any protected activity and adverse action.

Following the narrative, provide a brief summary of OSHA's analysis on each element and/or issue relevant to the determination and OSHA's conclusion that there has been no violation of the statutes.]

Based on the discussion above, OSHA dismisses this complaint filed under Statute because [choose one]:

- Complainant or Respondent [or both] is/are not covered under Statute because [insert reason that there is no coverage];
- Complainant did not file the complaint within the Choose an item. days allowed by Statute and there is no basis for tolling the filing period;
- OSHA has no reasonable cause to believe that Complainant engaged in protected activity under Statute because [state reason that there is no protected activity];
- OSHA has no reasonable cause to believe that Complainant suffered an adverse action because [insert reason for OSHA's conclusion]; or
- OSHA has no reasonable cause to believe that but for Complainant's protected activity the adverse action would not have been taken against Complainant because [insert brief explanation for OSHA's conclusion that there is no nexus between the protected activity and the adverse action].

In addition, OSHA dismisses this complaint filed under Choose Statute Acronym because [choose one]:

- Complainant or Respondent [or both] is/are not covered under Choose Statute Acronym because [insert reason that there is no coverage];
- Complainant did not file the complaint within the Choose an item. days allowed by Choose Statute Acronym and there is no basis for tolling the filing period;
- OSHA has no reasonable cause to believe that Complainant engaged in protected activity under Choose Statute Acronym because [state reason that there is no protected activity];
- OSHA has no reasonable cause to believe that Complainant suffered an adverse action because [insert reason for OSHA's conclusion];
- OSHA has no reasonable cause to believe that Complainant's protected activity was a Choose an item. factor in Respondent's adverse action against Complainant because [insert brief explanation for OSHA's conclusion that there is no nexus between the protected activity and the adverse action]; or
- There is reasonable cause to believe that Complainant's protected activity was a Choose an item. factor in Respondent's adverse action against Complainant because [insert brief explanation for OSHA's conclusion that there is a nexus between the protected activity and the adverse action]. However, Respondent has shown by Choose an item. evidence that it would have taken the same action absent the protected activity. [Insert brief explanation for OSHA's conclusion that the affirmative defense was met.]

The claim filed under Statute will be closed unless you send a request for review in writing to:

Primary method: via email to RFR@dol.gov

Secondary method: (if unable to send via email) – via hard copy submission to:

Directorate of Whistleblower Protection Programs
Attn: Request for Review
U.S. Department of Labor-OSHA
200 Constitution Ave. NW Room N-3622
Washington, D.C. 20210

With a copy to:

Regional Administrator
Contact Information

To be considered, a request for review must be sent within 15 calendar days of receipt of this letter. (If regular mail is used, the date of filing is the date of the postmark.) If you request a review, the Directorate of Whistleblower Protection Programs (DWPP) will review the case file to ascertain whether the investigation adequately dealt with all factual issues and the investigation was conducted fairly and in accordance with applicable policies and laws. The outcome of this review will be one of the following: return of the case to the Regional

Administrator for further investigation, a recommendation to the Regional Solicitor's Office for litigation, or denial of the request for review. If DWPP upholds the dismissal, the case is closed.

Any party may object to these Findings for complaints filed under **Choose Statute Acronym** and request a hearing before an Administrative Law Judge (ALJ). Objections must be submitted in writing within **Choose an item.** of receipt of these Findings. If no objections are filed, these Findings will become final and not subject to court review. Objections must be sent to:

Primary method: via email to OALJ-Filings@dol.gov

Secondary method: (if unable to send via email) – via hard copy submission to:

Chief Administrative Law Judge
Office of Administrative Law Judges
United States Department of Labor
200 Constitution Ave NW
Room S-4325
Washington, DC 20210
Phone: (202) 693-7500
Fax: (202) 693-7365

With a copy to:

Regional Administrator
Contact Information

With a copy to:

Respondent
Respondent's Contact Information

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an ALJ in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board (ARB), and the Secretary of Labor may review ARB decisions at the Secretary's discretion. A copy of this letter has been sent to the Chief ALJ along with a copy of your complaint.

Sincerely,

Supervisor's Name
Supervisor's Title

Cc: Complainant (as necessary, if represented)
Respondent
Respondent's counsel
U.S. DOL Chief Administrative Law Judge

Appendix D
ALJ Merit Secretary's Findings Template

U.S. DEPARTMENT OF LABOR
Occupational Safety and Health Administration
Whistleblower Protection Program



Date

Name (Respondent)

c/o Designated Representative (if applicable)

Street Address

City, State ZIP

Email address (if applicable)

Re: Respondent/Complainant/Case Number

Dear First and Last Name:

This is to advise you that we have completed our investigation of the above-referenced complaint filed by **Complainant** (Complainant) against **Respondent** (Respondent) on **date**, under **Statute and Citation**. In brief, Complainant alleged **[describe allegation]**.

Following an investigation by a duly authorized investigator, the Secretary of Labor, acting through **his/her** agent, the Regional Administrator for the Occupational Safety and Health Administration (OSHA), **Choose an item**. Region, pursuant to **Statute and Citation**, finds that there is reasonable cause to believe that Respondent violated **Choose Statute Acronym** and issues the following findings:

Secretary's Findings

Complainant and Respondent are covered under **Choose Statute Acronym**. **[Explain Respondent's business and Complainant's job title and duties. If Respondent disputed coverage during the investigation, briefly explain why OSHA found that Complainant and/or Respondent were covered despite Respondent's argument(s) to the contrary.]**

The investigative records reflect that on **date**, Respondent **[describe adverse action]**. On **date**, Complainant filed a complaint with OSHA. Because this complaint was filed within **Choose an item**. days of the alleged adverse action, it is deemed timely **[explain tolling, if necessary]**.

[Include a narrative containing a brief description of Complainant's allegation(s), a brief description of Respondent's defense(s), and a brief explanation of the events relevant to the determination, including facts and dates related to any protected activity and adverse action.

Following the narrative, provide a brief summary of OSHA's analysis of each element and/or issue relevant to the determination and OSHA's conclusion that there has been a violation of the relevant statute(s), including protected activity, Respondent knowledge, adverse action(s), and nexus (motivating or contributing).]

On the basis of the findings above, OSHA has reasonable cause to believe that Respondent violated **Choose Statute Acronym** in that Complainant's protected activity was a **Choose an item**. factor in the adverse action taken against Complainant and Respondent has not shown by **Choose an item**. evidence that it would have taken the same action absent the protected activity. [Insert brief explanation of analysis of each element, and, if compensatory and/or punitive damage are awarded, include brief explanation for why the damages awarded are appropriate in the case.]

Order/Preliminary Order

Upon receipt of this Secretary's Finding and **Order/Preliminary Order**, Respondent shall [list all remedies being awarded, such as reinstatement, back pay, medical expenses, punitive, emotional, and/or compensatory damages (see WIM, p. 85, for instructions)].

Any party may object to these Findings and request a hearing before an Administrative Law Judge (ALJ). Objections must be submitted in writing within **30 days/60 days [PSIA]** from the receipt of these Findings. If no objections are filed, these Findings will become final and not subject to court review. Objections must be sent to:

Primary method: via email to OALJ-Filings@dol.gov

Secondary method: (if unable to send via email) – via hard copy submission to:

Chief Administrative Law Judge
Office of Administrative Law Judges
United States Department of Labor
200 Constitution Ave NW
Room S-4325
Washington, DC 20210
Phone: 202-693-7500
Fax: 202-693-7365

With a copy to:

Regional Administrator

Contact Information

With a copy to:

All parties to this complaint

Complainant's Contact Information

Respondent's Contact Information

In addition, please be advised that the U.S. Department of Labor does not represent any party in the hearing; rather, each party presents his or her own case. The hearing is an adversarial proceeding before an ALJ in which the parties are allowed an opportunity to present their evidence for the record. The ALJ who conducts the hearing will issue a decision based on the evidence and arguments presented by the parties. Review of the ALJ's decision may be sought from the Administrative Review Board (ARB), and the Secretary of Labor may review ARB decisions at the Secretary's discretion. A copy of this letter has been sent to the Chief ALJ along with a copy of the complaint.

Sincerely,

Supervisor's Name

Supervisor's Title

Cc: Respondent (as necessary, if represented)
Complainant
Complainant's counsel
U.S. DOL Chief Administrative Law Judge