

**U.S. Department of Labor**

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



**IN THE MATTER OF:**

**JOHN XIAOZHONG WANG,**

**ARB CASE NO. 2026-0038**

**COMPLAINANT,**

**DATE: May 20, 2026**

**v.**

**CAPGEMINI AMERICA INC.,**

**RESPONDENT.**

**Appearances:**

**John Xiaozhong Wang; *Pro Se*; Farmington Hills, Michigan**

**Before JOHNSON, Chief Administrative Appeals Judge, and KAPLAN,  
Administrative Appeals Judge**

### **ORDER OF DISMISSAL**

On May 12, 2026, Complainant John Xiaozhong Wang filed with the Administrative Review Board (ARB or Board) a “Petition for Review — Identification of OSHA’s Errors, Failures, and Prejudicial Findings” (Petition for Review), along with an April 24, 2026 determination letter (Determination Letter) from Nathan Terwilliger, Assistant Regional Administrator for the Chicago Regional Office of the Occupational Safety and Health Administration (OSHA). On May 20, 2026, Complainant filed four additional documents: (1) a “Supplemental Filing of Complaint,” (2) a second “Supplemental Filing of Complaint,” (3) a second “Petition for Review,” and (4) a “Combined ARB Filing.”

It appears from the materials filed by Complainant that he filed a complaint against Respondent Capgemini America Inc. on April 14, 2025, alleging violations of Section 11(c) of the Occupational Safety and Health Act, 29 U.S.C. § 660(c) (Section 11(c)), related to the termination of his employment from Respondent. In the Determination Letter, OSHA dismissed Complainant’s complaint because it did “not have reasonable cause to believe that a violation of Section 11(c) . . . occurred.”

In the Petition for Review, Complainant asks the Board to review OSHA's Determination Letter.

The Secretary of Labor has delegated authority to the ARB to hear and decide appeals from decisions of United States Department of Labor Administrative Law Judges and the Administrator of the Department's Wage and Hour Division under specific statutes and regulations.<sup>1</sup> The ARB's jurisdiction is limited and it can only hear appeals arising under the statutes and authorities specifically delegated to it by the Secretary of Labor.<sup>2</sup>

The Board does not have jurisdiction to hear and decide appeals arising under Section 11(c).<sup>3</sup> The procedures for Section 11(c) complaints can be found in 29 C.F.R. Part 1977 and the Determination Letter included information on how Complainant could appeal to the Director of the Directorate of Whistleblower Protection Programs. Accordingly, we **DISMISS** this case.

**SO ORDERED.**

**RANDEL K. JOHNSON**  
**Chief Administrative Appeals Judge**

**ELLIOT M. KAPLAN**  
**Administrative Appeals Judge**

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<sup>1</sup> Secretary's Order No. 01-2020 (Delegation of Authority and Assignment of Responsibility to the Administrative Review Board), 85 Fed. Reg. 13186 (Mar. 6, 2020).

<sup>2</sup> *See Adm'r, Wage & Hour Div., U.S. Dep't of Lab. v. Five M's, LLC*, ARB No. 2019-0014, ALJ Nos. 2015-FLS-00010, -00011, slip op. at 14 (ARB Nov. 13, 2020) ("The Board was created by delegation from the Secretary of Labor and, therefore, has a limited and defined jurisdiction and scope of authority.").

<sup>3</sup> *See generally* Secretary's Order No. 01-2020, 85 Fed. Reg. at 13186-87 (listing the statutes and regulations delegated to the ARB, which do not include Section 11(c)).