



In the Matter of:

ERIC BECKMANN,

COMPLAINANT,

v.

**ALYESKA PIPELINE SERVICE,
COMPANY,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ARB CASE NO. 97-057

(ALJ Case No. 95-TSC-16)

DATE: SEP 16 1997

FINAL DECISION AND ORDER

The Administrative Law Judge submitted a Recommended Decision and Order in this case arising under several of the environmental whistleblower laws finding that Eric Beckmann's complaint, which was filed with the Wage and Hour Division almost two years after he was fired by Alyeska Pipeline Service Company, was untimely because the applicable statutes require filing a complaint within 30 days of the date of discrimination. The ALJ also rejected Beckmann's claim that the statute of limitations should be tolled because Alyeska had engaged in settlement discussions with Beckmann. She found that Alyeska did not mislead Beckmann or prevent him from filing a complaint and that the claims he made with Alyeska did not constitute raising the correct statutory claim in the wrong forum. R. D. & O. at 4.

The record in this case has been reviewed and we find it fully supports the ALJs conclusions that Beckmann's complaint was untimely filed and that there is no basis for tolling the statute of limitations. The Secretary has held that neither employer participation in settlement discussions nor use of an internal grievance procedure tolls the statute of limitations in a

whistleblower case. *See Tracy v. Consolidated Edison Company of New York, Inc.*, Case No. 89-CAA-1, Sec'y Dec. Jul. 8, 1992, slip op. at 8, and cases discussed therein. The complaint in this case is **DENIED**.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member