



In the Matter of:

**KEVIN JAMES,**

**ARB CASE NO. 97-034**

**COMPLAINANT,**

**ALJ CASE NO. 94-WPC-4**

**v.**

**DATE: March 31, 1997**

**KETCHIKAN PULP COMPANY,**

**RESPONDENT.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

### **ORDER GRANTING EXTENSION OF TIME**

This case arises under the Water Pollution Control Act (WPCA), 33 U.S.C. §1367 (1988). Respondent has requested a fifteen (15) day extension of time in which to respond the Board's Order of March 11, 1997, requiring supplementation of the parties' Joint Notice of Settlement to the Administrative Law Judge (ALJ) seeking approval of the settlement and dismissal of the complaint. The ALJ issued a Recommended Decision and Order on December 13, 1996 approving the settlement.

The record in this case as received by the Board did not contain a copy of the settlement agreement. Based upon Respondent's request for an extension of time and the need for supplementation of the record, the parties are, therefore, granted fifteen (15) days from the date of this Order to submit a copy of the agreement for review to the Board, as it would be error to approve the settlement and dismiss the case without reviewing the agreement to determine whether it is fair, adequate and reasonable. *See* 29 C.F.R. § 24.6. *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar.23, 1989, slip op. at 1-2.

The Board also requires that all parties requesting settlement approval of cases arising under the employee protection provisions of the WPCA provide the settlement documentation for any other alleged claims arising from the same factual circumstances forming the basis of the federal claim, or to certify that no other such settlement agreements were entered into between the parties. *Biddy v. Alyeska Pipeline Service Company*, ARB Case Nos. 96-109, 97-015, Final Order Approving Settlement and Dismissing Complaint, Dec. 3, 1996, slip op. at 3.

All pleadings and briefs are expected to conform to the stated page limitations unless prior approval of the Board has been granted and should be prepared in Courier (or typographic scalable) 12 point, 10 character-per-inch type or larger, double-spaced, with minimum one-inch left and right margins and minimum 1.25-inch top and bottom margins, printed on 8 1/2 by 11-inch paper. An original and four copies of all pleadings and briefs shall be filed with the Board.

Docket entries for this matter shall be filed by directing submissions to the attention of the undersigned at:

Administrative Review Board  
United States Department of Labor  
200 Constitution Avenue, N.W.  
Room S-4309  
Washington, D.C. 20210.

FOR THE ADMINISTRATIVE REVIEW BOARD:

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