



Issue Date: 20 April 2005

CASE NO.: 2005-WPC-1

In the Matter of:

RONALD HAMBRICK
Complainant

v.

EATON CORPORATION/EATON AEROQUIP, INC.
Respondent

ORDER APPROVING SETTLEMENT OF THE TSCA COMPLAINT
AND ORDER OF DISMISSAL OF WPCA AND SWDA COMPLAINTS

This proceeding arises under the employee protection provisions of the Federal Water Pollution Control Act, 23 U.S.C. § 1367; the Solid Waste Disposal Act, 42 U.S.C. § 6971; and the Toxic Substances Control Act, 15 U.S.C. § 2622. The Complainant also asserted retaliation claims under Section 11 (c) of the Occupational Safety and Health Act, 29 U.S.C. § 660(c), which is not before this adjudicatory body. The Regulations in 29 C.F.R. Part 24, as well as those in 40 C.F.R. Part 108 establish procedures for the handling of complaints and discriminatory action. On April 15, 2005, the parties submitted a Joint Motion for Dismissal and Approval of Settlement Agreement.

The Administrative Law Judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately and reasonably settle the complainant's allegations that the respondent violated the Act.

Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Confidential Settlement Agreement, and I find that it constitutes a fair, adequate and reasonable settlement of the complaint.¹

¹ The parties' agreement includes the waiver of claims that are not within the jurisdiction of this Court. Therefore, the approval of the settlement does not in any way relate to or comment upon the validity of the waivers contained within the settlement agreement that are outside of this Court's scope of review.

Accordingly, IT IS HEREBY ORDERED that:

1. The parties' proposed Settlement Agreement is hereby approved.
2. The above-captioned complaint is hereby dismissed with prejudice.

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DANIEL L. LELAND
Administrative Law Judge

NOTICE: This Order Approving Settlement of the TSCA complaint, and Order of Dismissal of the WPCA and SWDA complaints, will automatically become final unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such a petition for review must be received by the Administrative Review Board within ten business days of the date of this Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.