

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 13 March 2006

CASE NO.: 2006-ERA-00006

In the Matter of:

TAMI THATCHER,
Complainant,

vs.

BATTELLE ENERGY ALLIANCE, LLC,
Respondent.

Appearances: Jason Zuckerman, Esquire,
For the Claimant

Larry E. Halborson, Esquire,
For the Respondent

Before: Jennifer Gee
Administrative Law Judge

**RECOMMENDED DECISION AND ORDER VACATING HEARING, APPROVING
SETTLEMENT AGREEMENT AND RECOMMENDING DISMISSAL**

This proceeding began on or about August 29, 2005, when the Complainant, Tami Thatcher, filed a complaint with the Occupational Safety & Health Administration ("OSHA") against the Respondent, Battelle Energy Alliance, LLC, under the employee whistleblower protection provision of the Energy Reorganization Act of 1974, 42 U.S.C. § 5851 ("ERA").

This matter is set for hearing beginning on June 6, 2006, in Idaho Falls, Idaho. On March 11, 2006, the parties filed a Joint Motion to Dismiss with Prejudice notifying me that the parties signed an agreement on March 6, 2006, that fully settles their dispute. Included with the Joint Motion was a copy of the Settlement and Release Agreement ("Settlement Agreement") the Claimant and counsel for both parties.

In view of this development, it is hereby ORDERED that the hearing set to begin on June 6, 2006, be VACATED.

I have carefully reviewed the terms of the Settlement Agreement submitted in this case and find the Settlement Agreement to be fair, adequate, and reasonable. Thus, I recommend that the Settlement Agreement between the Complainant, Tami Thatcher, and Respondent, Battelle Energy Alliance, be APPROVED, and this matter be DISMISSED WITH PREJUDICE.

A

JENNIFER GEE
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary of Labor 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, N.W., Washington, D.C. 20210. Such petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.8 and 24.9, as amended by 63 Fed.