

**U.S. Department of Labor**

Office of Administrative Law Judges  
O'Neill Federal Building - Room 411  
10 Causeway Street  
Boston, MA 02222

(617) 223-9355  
(617) 223-4254 (FAX)



**Issue Date: 31 March 2006**

**CASE NO.: 2006-SOX-00024**

In the Matter Of:

**ANDREW P. HIRTH**  
Complainant

v.

**TERADYNE INC.<sup>1</sup>**  
Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT AND  
DISMISSING COMPLAINT WITH PREDJUDICE**

This proceeding arises from a complaint of discrimination filed under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of The Sarbanes-Oxley Act of 2002, 18 U.S.C.A. § 1514A (West 2004) and the procedural regulations found at 29 C.F.R. Part 1980 (2004). The matter is set for hearing on May 22, 2006 before the U. S. Department of Labor's Office of Administrative Law Judges. On March 30, 2006, the parties filed a Settlement Agreement and Release along with a Stipulation for Dismissal With Prejudice (hereinafter "Agreement").

The terms of the Agreement have been carefully reviewed. The Agreement encompasses the settlement of matters arising under both the Act and state statutes. Paragraph 11 of the Agreement further provides that the settlement is governed by the laws of the State of Massachusetts. Consistent with the Secretary's decision in *Phillips v. Citizens Assoc. for Sound Energy*, 91-ERA-25 (Nov. 4, 1991), I interpret Paragraph 11 as limited to the state claims the Agreement settles. Paragraph 11 is not construed as a provision limiting the authority of the Secretary or the United States District Court to take such action with respect to this matter that they deem appropriate under the Act or the regulations promulgated and published by the Department of Labor to implement the Act. See *Milewski v. Kansas Gas and Electric Co.*, Case No. 85-ERA-0021, Sec. Order Approving Settlement Agreement and Dismissing Complaint (June 23, 1990).

---

<sup>1</sup> The parties have informed the undersigned that the Respondent's correct name and legal entity is Teradyne, Inc. rather than Teradyne Connection Systems. See Stipulation For Dismissal n. 1.

## **FINDINGS OF FACT**

Upon review of Settlement Agreement, I make the following findings:

1. The Settlement Agreement is fair, adequate, and reasonable on its face;
2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits; and,
3. The Settlement Agreement is the entire and only settlement agreement between the parties arising from the factual circumstances that formed the basis for the claims under the Act.

## **ORDER**

Accordingly, IT IS HEREBY ORDERED that:

1. The Settlement Agreement is APPROVED, and the parties shall comply with the terms thereof;
2. This complaint is DISMISSED WITH PREJUDICE; and,
4. The hearing scheduled for May 22, 2006 in Boston, MA, is hereby CANCELLED.

**SO ORDERED.**

**A**

**COLLEEN A. GERAGHTY**  
Administrative Law Judge

Boston, Massachusetts