



In the Matter of:

DAVY MERRITT,

ARB CASE NO. 05-084

COMPLAINANT,

ALJ CASE NO. 2004-AIR-13

v.

DATE: October 28, 2005

ALLEGHENY AIRLINES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Davy G. Merritt, pro se, Caledonia, New York

For the Respondent:

Peter J. Petesch, Esq., Ford & Harrison LLP, Washington, D.C.

Ellen C. Ham, Esq., Ford & Harrison LLP, Miami, Florida

**FINAL DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under the whistleblower protection provision of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21). 49 U.S.C.A. § 42121 (West Supp. 2003). The case appears before us pursuant to a petition for review filed by respondent Allegheny Airlines, n/k/a Piedmont Airlines, Inc. (Allegheny/Piedmont), objecting to an Administrative Law Judge's (ALJ's) Recommended Decision and Order (R. D. & O.) issued on February 8, 2005, and amended on March 28, 2005. We have jurisdiction to review the R. D. & O. pursuant to 29 C.F.R. § 1979.110(a) (2005).

We have before us Allegheny/Piedmont's Notice of Withdrawal of Appeal or Request for Approval of Resolution. Allegheny/Piedmont advises that it has settled its

dispute with complainant Davy G. Merritt. The settlement takes the form of a Stipulation and Consent Order issued by the United States Bankruptcy Court for the Eastern District of Virginia on September 22, 2005, as part of the Joint Plan of Reorganization of US Airways, Inc. and Its Affiliated Debtors and Debtors-in-Possession.

We have reviewed the Consent Order and find its terms to be a fair and equitable disposition of Merritt's AIR 21 complaint.

Accordingly, we approve the parties' resolution of the case and grant the Respondent's motion to **DISMISS** the matter under the terms of the Stipulation and Consent Order, with each side to bear its own costs for the proceeding before this Board.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge