



In the Matter of:

DAVID L. LEWIS,

ARB CASE NO. 98-092

COMPLAINANT,

ALJ CASE NO. 97-CAA-7

v.

DATE: March 20, 1998

**U.S. ENVIRONMENTAL
PROTECTION AGENCY,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under the Clean Air Act, 42 U.S.C. §7622, Safe Drinking Water Act, 42 U.S.C. §300j-9(i), Solid Waste Disposal Act, 42 U.S.C. §6971, Toxic Substances Control Act, 15 U.S.C. §2622, and Water Pollution Control Act, 33 U.S.C. §1367 (collectively “the whistleblower acts”). The parties submitted a Settlement Agreement and Joint Motion to Approve Settlement and Dismiss Complaint seeking approval of the settlement and dismissal of the complaint. The Administrative Law Judge issued a Recommended Order of Dismissal on February 25, 1998 approving the settlement.

The request for approval is based on an agreement entered into by the parties, therefore, we must review it to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 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 requires that all parties requesting settlement approval of cases arising under the whistleblower acts 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. Accordingly, the parties have certified that the agreement constitutes the entire and only settlement agreement with respect to the

complainant's claims. *See* Settlement Agreement ¶5 and Joint Motion to Approve Settlement and Dismiss Complaint.

We find that the agreement, as so construed, is a fair, adequate, and reasonable settlement of the complaint. Accordingly, we APPROVE the agreement and DISMISS THE COMPLAINT WITH PREJUDICE. *See* Settlement Agreement ¶¶2(a), 4.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member