

UNITED STATES DEPARTMENT OF LABOR
200 Constitution Avenue, N.W.
Washington, DC 20210

_____)
In the Matter of:)
)
U.S. DEPARTMENT OF LABOR,)
PENSION AND WELFARE BENEFITS)
ADMINISTRATION,)
Complainant,) OALJ CASE NO. 1993-RIS-4
)
v.)
)
USAIRWAYS, INC.,)
Respondent.)
_____)

ORDER

IT IS ORDERED THAT, pursuant to the authority under regulation 29 C.F.R. § 2570.71, the Decision and Order issued on June 9, 2000, by the Hon. John M. Vittone, Chief Administrative Law Judge, in this proceeding, brought under § 502(c)(2), 29 U.S.C. § 1132(c)(2), of the Employee Retirement Income Security Act of 1974 (ERISA), as amended, be set aside and vacated;

AND IT IS FURTHER ORDERED THAT the Settlement Agreement attached hereto and made a part hereof be entered in lieu of the Decision as final agency action in this matter.

FOR THE SECRETARY OF THE U.S. DEPARTMENT OF LABOR:

MORTON KLEVAN
Senior Policy Advisor
Pension and Welfare Benefits Administration

UNITED STATES DEPARTMENT OF LABOR
200 Constitution Avenue, N.W.
Washington, DC 20210

In the Matter of:)
)
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 U.S. DEPARTMENT OF LABOR,)
 PENSION AND WELFARE BENEFITS)
 ADMINISTRATION,)
 Complainant,) OALJ CASE NO. 1993-RIS-4
)
 v.)
)
 USAIRWAYS, INC.,)
 Respondent.)

SETTLEMENT AGREEMENT

The parties have agreed to settle this matter. Respondent US Airways, Inc., formerly d/b/a USAir, Inc., the successor plan administrator of the *Pension Plan for Employees of Piedmont Aviation, Inc., Represented by the International Association of Machinists and Aerospace Workers 013* ("Piedmont Plan"), has resolved all penalty assessments by compliance with the reporting requirements under ERISA for the Piedmont Plan's 1989 plan year and payment of \$2,500 in total¹, thus settling any and all claims that the Pension and Welfare Benefits Administration may have against plan administrators of the Piedmont Plan regarding reporting deficiencies in connection with the Piedmont Plan's 1989 annual report.² Accordingly, the parties hereby stipulate and agree that this Settlement Agreement be entered in lieu of the Decision and Order issued in this case on June 9, 2000, and that this proceeding be dismissed with prejudice.

The parties also stipulate and agree that each party shall bear all its own costs, expenses, and legal and accounting fees incurred in connection with this action.

Respectfully submitted,

¹ Of the total, \$1,000 was paid on or about December 14, 1992, and \$1,500 was paid on or about October 23d, 2000.

² Effective September 1, 1989, the Piedmont Plan was merged into the *Pension Plan for Employees of USAir, Inc., Represented by the International Association of Machinists and Aerospace Workers 002* (USAir Plan), so after the 1989 plan year the Piedmont Plan ceased existence as a separate plan.

For US Airways, Inc.:

For the Pension and Welfare
Benefits Administration:

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Stevan Durovic
Plan Benefits Security Division
Office of the Solicitor
P.O. Box 1914
Washington, DC 20013
(202) 219-4600, Ext. 161
FAX: (202) 219-7346

SO ORDERED,

this 24th day of October, 2000.

FOR THE SECRETARY OF THE U.S. DEPARTMENT OF LABOR:

MORTON KLEVAN
Senior Policy Advisor, PWBA