



In the Matter of:

**ANTHONY J. DIMARCO,**

**ARB CASE NO. 98-024**

**COMPLAINANT,**

**ALJ CASE NO. 97-TSC-4**

**v.**

**DATE: November 26, 1997**

**REYNOLDSTECH FABRICATORS,**

**RESPONDENT.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

### **ORDER**

This case arises under the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2622 (1988). The parties submitted a Settlement Agreement to the Administrative Law Judge (ALJ) seeking approval of the settlement and dismissal of the complaint. The ALJ issued a Recommended Decision and Order on November 18, 1997 approving the settlement.

Paragraph 3 of the Agreement indicates that Respondent will pay a specified amount to Complainant for all of his monetary claims. There is no indication as to the amount of money to be paid to Complainant's attorney pursuant to the proposed settlement. The Board must know the amount Complainant will receive in order to determine if the settlement agreement is fair, adequate and reasonable. This amount affects not only the Complainant's individual interest, but impacts on the public interest as well, because if the amount is not fair, adequate and reasonable, other employees may be discouraged from reporting safety violations. *See Plumlee v. Alyeska Pipeline Service Co.*, 92-TSC-7, Sec. Dec. and Order, Aug. 6, 1993, slip op. at 5; *Biddy v. Alyeska Pipeline Service Company*, ARB Case Nos. 96-109, 97-015, Order, May 31, 1996, slip op. at 1-2.

The parties are required to file a joint response to this Order within ten (10) days. If the parties cannot agree upon a joint response, Complainant's counsel is to submit the required information within ten (10) days from the issuance of this Order. Respondent may submit a response within fifteen (15) days of the issuance of this Order.

Docket entries for this matter shall be filed by directing submissions to the attention of the undersigned at:

Administrative Review Board  
United States Department of Labor  
200 Constitution Avenue, N.W.  
Room S-4309  
Washington, D.C. 20210

FOR THE ADMINISTRATIVE REVIEW BOARD:

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