

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 16 June 2006

CASE NO.: 2006-WPC-00004

In the Matter of

CHARLES PEARSON

Complainant

v.

DATTCO, INC.

Respondent

RECOMMENDED ORDER OF DISMISSAL

In this matter, which arises under the Federal Water Pollution Control Act ("FWPCA"), 33 U.S.C. §1367, the parties have submitted a Notification of Settlement and Dismissal of Complaint with Prejudice which satisfies the requirements of Fed.R.Civ.P. 41(a)(1)(ii). Accordingly, the complaint in this matter is **DISMISSED** with prejudice.¹

SO ORDERED.

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DANIEL F. SUTTON

Administrative Law Judge

Boston, Massachusetts

¹ Although the complaint initially referenced the employee protection provisions of several environmental statutes which require approval of any settlement agreement by the Secretary of Labor, the investigative findings of the OSHA Area Director determined that the Respondent is not a covered employer within the meaning of these other statutes, and the parties have stipulated that the complaint and their settlement arise solely under the FWPCA which does not require such approval. See *Dorsey v. Greenbriar County Public Service District #2*, USDOL/OALJ Reporter (HTML), ARB Case No. 97-128, OALJ No. 1996-WPC-3 (ARB Sept. 29, 1997).

NOTICE: This Recommended Order of Dismissal will automatically become final unless, pursuant to 29 C.F.R. § 24.8, a petition for review is received by the Administrative Review Board (“Board”) within ten (10) business days of the date of issuance of the administrative law judge’s Recommended Decision and Order. The Board’s address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file your Petition with the Board, you must serve it on all parties to the case as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001. *See* 29 C.F.R. § 24.8(a). You must also serve copies of the Petition and briefs on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair