



Issue Date: 09 August 2005

CASE NO. 2005-AIR-00005

In the Matter of:

HANS H. JENSEN,
Complainant,

vs.

ARTIC CIRCLE AIR SERVICE, INC.
Respondent.

**DECISION AND ORDER APPROVING JOINT STIPULATION
FOR DISMISSAL AND SETTLEMENT AGREEMENT**

Complainant Hans H. Jensen (“Complainant”) filed his complaint against Respondent Arctic Circle Air Service, Inc. with the Occupational Safety and Health Administration (“OSHA”) on April 1, 2004 alleging retaliation under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21”), 49 U.S.C.A. § 42121 (the “Complaint”). After investigation the allegations contained in the Complaint, OSHA issued notice of administrative determination on November 2, 2004 (the “Notice of Administrative Determination”).

On July 26, 28 and August 5, 2005, the parties filed a fully executed Settlement and Release Agreement (the “Settlement Agreement”), a Report of Settlement, and a Joint Stipulation of proposed Consent Findings and Order for dismissal requesting that this case be dismissed with prejudice because the parties had fully settled their differences thus settling all claims that Complainant had or may have had against Respondent. Certain other conditions also attach to the payments and settlement all as outlined in the Settlement Agreement.

The Rules of Practice and Procedure for Administrative Hearings for the Office of Administrative Law Judges (“OALJ”) found at 29 C.F.R. Part 18 are applicable to this proceeding.

Upon review of the record and finding good cause:

IT IS ORDERED that the joint request for dismissal of the Complaint is **GRANTED**.

IT IS FURTHER ORDERED that:

1. This Order shall have the same force and effect as an order made after full hearing;

2. The entire record upon which this Order is based shall consist solely of the Complaint, the Notice of Administrative Determination, and the settlement Agreement;

3. Any further procedural steps before the OALJ are waived;

4. All rights to challenge or contest the validity of this Order entered into in accordance with the Joint Stipulation of Consent Findings and Order and the Settlement Agreement are hereby waived;

5. Each party shall bear all of its own costs, expenses, and legal and accounting fees incurred in connection with this action; and

6. This decision and order shall be effective and final upon issuance and the final agency action.

IT IS FURTHER ORDERED that this matter is hereby **DISMISSED with prejudice**.

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GERALD M. ETCHINGHAM
Administrative Law Judge