



Issue Date: 19 August 2005

In the Matter of

NEAL SCHUPBACH.
Complainant

v.

WORLD AIRWAYS, INC.
Respondent

Case No. 2005-AIR-00010

FINAL ORDER APPROVING SETTLEMENT

A hearing in this case arising under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century ("AIR 21") was scheduled to be held in Atlanta, Georgia on July 26, 2005. On July 22, the parties orally informed me that they had settled the case, and would be filing a settlement agreement shortly. On August 5, 2005, the parties faxed to me a *Joint Stipulation of Dismissal with Prejudice*. I had two problems with this joint stipulation. First, it is dated *July 5, 2005*; and it is clear that this case had not been resolved by that date. Second, and of greater concern, I cannot accept a stipulation of dismissal in resolution of the case. Under AIR 21, the Secretary of Labor must agree to the terms of the settlement agreement. *See* 49 U.S.C. §42121(b)(3)(A); 29 C.F.R. §1979.111(d)(2). Because of this, settlement agreements under AIR 21 must be submitted to the administrative law judge in their entirety for approval. Therefore, by *Order* dated August 8, 2005, I informed the parties that I could not dismiss the case despite the settlement agreement.

On August 17th, I received a document entitled *Confidential Settlement and Release Agreement*. It is a fully executed settlement agreement. I have reviewed the agreement, and it appears to be reasonable and consistent with public policy. Therefore,

IT IS ORDERED that the settlement agreement is approved, and this case is dismissed with prejudice.

Finally, the parties have designated the settlement agreement to be confidential commercial information in accordance with 29 C.F.R. §70.26.

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JEFFREY TURECK
Administrative Law Judge