

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 12 July 2007

CASE NO.: 2006AIR00021

In the Matter of

ROBERT HILLIS,
Complainant

v.

TRADEWINDS AIRLINES, INC.,
Respondent

Before: Judge Kenneth A. Krantz, Esq.

Jason M. Zuckerman, Esq.
Counsel for Complainant

John L. Telford, Esq. &
Richard C. McWilliams, Esq.
Counsel for Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND
MOTION TO DISMISS WITH PREJUDICE**

This is a proceeding under the provisions of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 1st Century ("AIR21" or "ACT") 49 U.S.C. 42121.

On July 6, 2007, the parties filed a pleading styled "JOINT MOTION TO DISMISS WITH PREJUDICE." Attached was a copy of the signed Separation Agreement and Full and Final Release of Claims signed by Complainant on June 15, 2007, and signed by Respondent on June 28, 2007, for review by the undersigned Administrative Law Judge. The agreement between the parties is incorporated herein by reference.

My review of the settlement agreement is limited to a determination of whether its terms are fair, adequate and reasonable. The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest.

First, I note that the parties are represented by counsel. In reaching an agreement, Respondent does not admit it has broken any law or regulation, nor is the agreement to be construed as an admission of wrongdoing by Respondent. Moreover, Complainant releases Respondent from all future claims or causes of action arising out of facts occurring up to the date of execution of the agreement.

After consideration of the settlement agreement, I find that none of the terms or conditions are unacceptable. Moreover, I find the agreement to be fair, adequate and reasonable, and I believe it is in the public interest to adopt the agreement as a basis of the administrative disposition of this case.

Therefore, I approve the settlement. Further the motion to dismiss with prejudice is hereby granted.

A

Kenneth A. Krantz
Administrative Law Judge

KAK/dh

NOTICE OF APPEAL RIGHTS: Within twenty (20) days after the date of issuance of this decision, any party desiring review of the decision may file a petition for issuance of a Notice of Intent as described under 29 C.F.R. § 500.265. The filing shall include an original and two copies of the petition, and shall be filed with the Administrative Review Board, U.S. Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington D.C. 20210. The petition shall be in writing and shall contain a concise and plain statement specifying the grounds on which review is sought. A copy of the Decision and Order of the Administrative Law Judge shall be attached to the petition. Copies of the petition shall be served upon all parties to the proceeding and on the Chief Administrative Law Judge, *See* 29 C.F.R. § 500.264; Secretary's Order 2-96 (Authority and Responsibilities of the Administrative Review Board), 61 Fed. Re. 19978 (1996).