

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 07 April 2005

Case No. 2005-AIR-3

In the Matter of

STEPHEN C. DAVIDSON

Complainant

v.

MIAMI AIR INTERNATIONAL, INC.

and

AMERICAN AIRLINES, INC.

Respondents

BEFORE: RUDOLF L. JANSEN
Administrative Law Judge

ORDER REQUIRING DESIGNATION OF REQUESTED ACTION

On April 5, 2005, I received by facsimile transmission a letter authored by Christopher P. Hammon, counsel for American Airlines, Inc. and Nicolas A. Manzini, counsel for Complainant. The typewritten portion of the letter appears to have been authored by Mr. Hammon and it was directed to Mr. Manzini. On page 2 of the letter, a handwritten notation is apparently made by Mr. Manzini indicating:

AGREED TO BY:
Nicolas A. Manzini
Attorney For Petitioner
Stephen C. Davidson

Mr. Manzini's signature is also included. Thus, the submission is received as a joint statement from both counsel.

The typewritten portion of the letter indicates that the Complainant has decided to dismiss with prejudice his claims against American Airlines, Inc. It also indicates that the Complainant and American Airlines will each bear their own costs and fees associated with the matter. In addition, the letter states that "we have agreed" that certain facts surrounding this

matter will be admissible in a complainant action against American Airlines which is apparently pending in the Florida Circuit Court. The letter also notes the waiving of certain objections and addresses the issue of admissibility in the circuit court case of other evidence.

In evaluating this statement, it appears to me to be an agreed settlement by the Complainant and American Airlines, Inc. of any charges in this case relating to discrimination by American Airlines under the AIR 21 statutory provisions. The letter itself offers no designation as to whether the parties contemplate this as being a settlement agreement, a simple request to dismiss the case or a withdrawal of claim by the Complainant.

In view of the above, IT IS ORDERED that the entire content of the administrative regulations for the AIR 21 Act should be taken into account particularly as to the provisions of Section 1979.111 concerning the withdrawal of complaints and also as to settlements. I note that it does not appear that the provisions of Federal Rules of Civil Procedure 41(a)(1) would apply as to a dismissal request since an answer and a Motion for Summary Judgment have already been filed. It would appear that the provisions of Section 1979.111(d)(2) concerning adjudicatory settlements would apply.

In view of the above, IT IS ORDERED that appropriate documents be submitted to this office for consideration by the Administrative Law Judge. Those documents should include the signatures of the Complainant and his attorney together with the signatures of a qualified representative of American Airlines, Inc. and the American Airlines counsel. The parties will have fifteen (15) days from the date of the issuance of this Order within which to submit appropriate documents.

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RUDOLF L. JANSEN
Administrative Law Judge