

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 17 July 2007

In the Matter of

PHILLIP P. BORRIS
Complainant

v.

ENERCON SERVICES, INC.
Respondent

Case No. 2006 ERA 00028

RECOMMENDED ORDER APPROVING SETTLEMENT

On November 17, 2005, the complainant filed a complaint with the Occupational Safety and Health Administration (“OSHA”) under §211 of the Energy Reorganization Act of 1974 as amended, 42 U.S.C. §5851, alleging that the respondent did not rehire him in retaliation for his safety complaints and participation in investigations of these safety complaints. That complaint was opposed by the respondent and, after investigation, was found to have merit by OSHA. The respondent requested a hearing. The case was referred to the Office of Administrative Law Judges, and for purposes of discovery was consolidated with cases against four other respondents filed by the complainant.

Subsequently, the parties reached a settlement, and they filed a joint motion for approval of the settlement together with a fully executed settlement agreement. In addition, complainant has entered into settlement agreements with the respondents in three of the other cases, and moved for the dismissal with prejudice of the remaining case. Since the parties have designated the settlement in this case to be confidential commercial information in accordance with 29 C.F.R. §70.26, the terms of that agreement will not be discussed in this order. However, both

parties are represented by counsel, and there is no reason to believe the settlement is inadequate or for some other reason should not be approved. Therefore,

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

A

JEFFREY TURECK
Administrative Law Judge