



In the Matter of:

LARRY COFFMAN,

COMPLAINANT,

ARB CASE NO. 02-026

**ALJ CASE NOS. 96-TSC-5
96-TCS-6**

v.

DATE: July 30, 2002

**ALYESKA PIPELINE SERVICE COMPANY
AND ARCTIC SLOPE INSPECTION
SERVICES,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD¹

Appearances:

For the Complainant:

Billie Pirner Garde, Esq., *Clifford, Lyons & Garde, Washington, D.C.*

For the Respondent:

Lawrence R. Trotter, Esq., *Alyeska Pipeline Service Company, Anchorage, Alaska*

**ORDER DENYING MOTION TO APPROVE
SETTLEMENT AGREEMENT**

The complainant, Larry L. Coffman, and the respondents, Alyeska Pipeline Services, Co. (“Alyeska”) and Arctic Slope Inspection Services (“ASIS”) have filed with the Administrative Review Board (“Board”) a Joint Motion to Approve Settlement Agreement (“Joint Motion”) in which Complainant and Respondents request the Board to approve a modification to the settlement which the Board previously approved in *Coffman v. Alyeska Pipeline Services, Co. (Coffman I)*, ARB No. 96-141, ALJ Nos. 96-TSC-5, 96-TSC-6 (June 24, 1996).

On May 23, 2002, the Board issued an Order to Show Cause “why the current matter should not be dismissed because the parties have failed to demonstrate a basis upon which the Board has

¹ This appeal has been assigned to a panel of two Board members, as authorized by Secretary’s Order 2-96. 61 Fed. Reg. 19,978 § 5 (May 3, 1996).

authority to amend a settlement once the Board has entered a final order approving the settlement and dismissing the matter with prejudice.” Order to Show Cause at 2 (emphasis deleted). In the Order the Board noted that:

[T]he Complainant and Respondents cite no basis for the Board’s authority to consider this matter. The regulations interpreting the TSCA, SDWA and CAA provide that the Board may review recommended decisions and orders of administrative law judges upon the filing of a petition for review received within ten days of the recommended decision. 29 C.F.R. § 24.8(a). However, there was no recommended decision filed in this matter within ten days of the date upon which the Joint Motion was filed.

Id. at 1. Furthermore, the Board stated:

[I]n *Coffman I*, the Board, after approving the proffered settlement, issued a final order and dismissed the complaint with prejudice. The time for filing an appeal of the Board’s order has expired. Toxic Substances Control Act, 15 U.S.C. § 2622(c)(1) (1994)(TSCA); Safe Drinking Water Act, 42 U.S.C. § 300j-9(i)(3)(A) (1994)(SDWA); Clean Air Act, 42 U.S.C. § 7622(c)(1) (1994)(CAA). Accordingly, when Complainant and Respondents filed the Joint Motion, *Coffman I* was no longer pending before the Board; the Board’s June 24, 1996 decision finally disposed of the case.

Id.

On June 24, 2002, counsel for ASCG Incorporated and ASIS, after conferring with “other counsel,” filed a response to the Order to Show Cause in which counsel averred that the parties “disagree[d]” with the Board’s “interpretation of the Board’s jurisdiction in this matter,” but neither explained the basis for this disagreement or proffered any argument in support of its position that the Board has jurisdiction to consider the matter. Accordingly, because the parties have failed to demonstrate a basis upon which the Board has authority to amend a settlement once the Board has entered a final order approving the settlement and dismissing the matter with prejudice, we hereby **DISMISS** this matter.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge