



In the Matter of:

**EG&G DEFENSE MATERIAL,

COMPLAINANT,**

**ARB CASE NO. 01-039
(formerly ARB CASE NO. 97-129)**

ALJ CASE NO. 95-CAA-3

v.

**U.S. DEPARTMENT OF LABOR,

RESPONDENT,**

**10th CIRCUIT CASE NOS. 98-9548
99-9501**

DATE: March 12, 2001

and

STEVEN W. JONES,

RESPONDENT - INTERVENOR

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

This case arose when Complainant Steven W. Jones filed a complaint alleging that his employer, Respondent EG&G Defense Materials, Inc. (EG&G), violated the whistleblower protection provisions of the Clean Air Act, 42 U.S.C. § 7622 (1994)(CAA); the Toxic Substances Control Act, 15 U.S.C. § 2622 (1994) (TSCA); and the Resource Conservation and Recovery Act, (also known as the Solid Waste Disposal Act), 42 U.S.C. § 6971 (1994)(SWDA).

An Administrative Law Judge issued a Recommended Decision and Order (R. D. & O.) upholding Jones' claim and ordbring EG&G to reinstate Jones with full back pay and to pay compensatory and punitive damages and attorneys' fees. EG&G appealed the R. D. & O to the Administrative Review Board (ARB) pursuant to 29 C.F.R. § 24.8 (2000).

The ARB, in a Final Decision and Order, substantially affirmed the R. D. & O., but reduced the compensatory damage award and eliminated the punitive damage award. *Jones v. EG&G Defense Materials, Inc.*, ARB No. 97-129, ALJ No. 95-CAA-3 (ARB Sept. 29, 1998). EG&G appealed the ARB's decision to the U. S. Court of Appeals for the Tenth Circuit naming the U. S. Department of Labor as Respondent. Complainant Jones intervened in this action.

On February 16, 2001, the Court of Appeals issued an order granting the parties' joint motion for remand to the ARB "for the limited purpose of review and approval of a settlement agreement among the parties" and directing the ARB to "file its determination on review of the settlement within 30 days" of the court's order.

Before the Board may issue its determination on review of the settlement, as directed by the court, the parties must first file with the Board the settlement document signed by the parties. Therefore, if it remains the intent of the parties to settle this case, we order the parties to provide the Board with a copy of the settlement with signatures of the parties to the settlement attached, on or before **March 14, 2001**.

FOR THE ADMINISTRATIVE REVIEW BOARD:

Janet R. Dunlop
General Counsel

NOTE: Questions regarding any case pending before the Board should be directed to the Board's staff assistant, Ernestine Battle.

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