

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 29 July 2005

Case No. 2005-AIR-20

In the Matter of

FRANK KOSTLEVY

Complainant

v.

AIRTRONICS, INC.

Respondent

BEFORE: RUDOLF L. JANSEN
Administrative Law Judge

ORDER COMPELLING FILING OF SETTLEMENT AGREEMENT

In response to an earlier Preliminary Order issued in this case, counsel for both the Complainant and the Respondent have advised that a mediated settlement was reached and that the parties now request that this case be stayed indefinitely pending a final payment by the Respondent on February 1, 2006 pursuant to the settlement understanding. That procedure, however, is unacceptable.

The regulations implementing the Wendell H. Ford Aviation Investment and Reform Act, 49 U.S.C. § 42121 provide the procedures to be followed in implementing the settlement of one of these cases. Twenty-nine C.F.R. Part 1979. The regulations provide that the Administrative Law Judge must approve any adjudicatory settlement prior to its implementation. Section 1979.111(d)(2). The same regulation also requires the filing of a settlement agreement with the Administrative Law Judge for review purposes. The Administrative Law Judge's Order Approving

the Settlement constitutes the Final Order of the Secretary. The regulations then provide that if any person fails to comply with a final Order issued by the Administrative Law Judge, that the Order may be enforced in the U. S. District Court. Section 1979.113.

In view of the above, the requests of the Complainant and the Respondent that this case be stayed indefinitely are hereby DENIED.

It is FURTHER ORDERED that the parties will submit a properly executed Settlement Agreement which contains a full statement of the basis for the mediated settlement. The Agreement is to be signed by the Complainant, his attorney, a duly authorized representative of the Respondent and also Respondent's counsel. The Settlement Agreement should be filed in this office no later than August 31, 2005.

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RUDOLF L. JANSEN
Administrative Law Judge