



**Issue Date: 24 March 2008**

CASE NO.: 2008-AIR-00004

*In the Matter of:*

**BENJAMIN RUSSELL,**  
Complainant,

vs.

**EMPIRE AIRLINES,**  
Respondent.

### **DECISION AND ORDER APPROVING SETTLEMENT**

This is a proceeding under the provisions of Section 519 of the Wendell H. Ford Aviation Investment and reform Act for the 21<sup>st</sup> Century ("Air 21" or "Act"), 49 U.S.C. §42121. The Complainant, Benjamin Russell, an airline pilot, filed a complaint of discrimination with the Department of Labor against respondent, Empire Airlines, a commercial air carrier. On March 20, 2004, the parties submitted a pleading styled "Stipulation and Order of Dismissal with Prejudice," which resolves all issues raised in the Complaint, for review and approval by the undersigned administrative law judge.

My review of the settlement agreement is limited to a determination of whether its terms are fair, adequate and reasonable. The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to the public interest.

Initially, I note that the parties are represented by counsel. After careful consideration of the settlement agreement, I find that none of the terms or conditions are unacceptable. Moreover, I find the terms of the agreement to be fair and reasonable and adequately protect Captain Russell. Furthermore, I believe it is in the public interest to approve the agreement as a basis for administrative disposition of this case and I therefore approve the settlement agreement.

Accordingly, this case is **DISMISSED** with prejudice.

**A**

Russell D. Pulver  
Administrative Law Judge

San Francisco, California