



**Issue Date: 07 December 2005**

Case No.: 2005-ERA-00018

In the Matter of:

JEFFERY ARNDT

Complainant

v.

NUCLEAR MANAGEMENT COMPANY and  
WISCONSIN PUBLIC SERVICE COMPANY

Respondents

**ORDER RECOMMENDING SETTLEMENT and DISMISSAL OF CASE**

This case involves a complaint filed by Jeffrey Arndt, Complainant, against Nuclear Management Company (“NMC”) and Wisconsin Public Service Company, LLC (“WPS”), Respondents, alleging violations of Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851, in which Complainant alleged violations, discrimination and wrongful suspension of his employment by the Respondents, NMC and WPS. After issuance of the Final Investigative Report by the Area Director of the Occupation Safety and Health Administration, Appleton, Wisconsin, the Complainant filed a notice of appeal and requested a formal hearing. A hearing was scheduled to commence on November 9, 2005, at Green Bay, Wisconsin, before the undersigned Administrative Law Judge.

The parties, by counsel for Respondent, sent a letter received by this Office October 28, 2005, indicating the parties had agreed to a settlement and advising the undersigned that settlement documents would be forwarded shortly. The parties on November 23, 2005, filed their Joint Motion for approval of Settlement and Release Agreement and for dismissal of the complaint with prejudice. The Settlement and Release Agreement is signed on October 28, 2005, by Jeffrey Arndt, Complainant, and on November 7, 2005, by Jonathan M. Rogoff, a representative of Respondent NMC and on November 11, 2005, by Bruce LaSota, a representative of Respondent, WSC. The Settlement and Release Agreement provides for a complete settlement of all disputes between the parties and payment of an amount to Complainant, the terms of which agreement the parties wish to remain confidential. After review of the Settlement and Release Agreement and the filings in this case, I find the agreement to be reasonable and recommend approval.

Therefore, it is recommended that the following Order be entered by the Secretary of Labor:

It is hereby ORDERED that the Settlement and Release Agreement, signed October 28, 2005, by Jeffrey Arndt, between Jeffrey Arndt, Complainant, and Nuclear Management Company and Wisconsin Public Service Company, LLC, Respondents, is approved and the Complaint is DISMISSED WITH PREJUDICE, and IT IS FURTHER ORDERED that the hearing previously scheduled to commence on November 9, 2005, is CANCELLED.

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JOSEPH E. KANE  
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Such petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. See 29 C.F.R. §§ 24.7(d) and 24.8.