

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 17 November 2006

CASE NO. 2006-SOX-00064

In the Matter of:

David Lavers,
Complainant,

vs.

Covance Inc.,
Respondent.

Order Approving Settlement

This is a claim under the employee protection provisions of the Sarbanes-Oxley Act, 18 U.S.C. § 1514A. The parties filed a Settlement Agreement and Release of Claims, that also encompasses a related case the Employer filed against the Complainant in the U.S District Court for the District of Nevada. The Complainant has agreed to terminate this claim as part of the settlement. Under the regulations that implement the Sarbanes-Oxley Act:

At any time before [OSHA's] findings become final, a party may withdraw his or her objections to the findings or order by filing a written withdrawal with the administrative law judge The judge . . . will determine whether to approve the withdrawal. If the objections are withdrawn because of settlement, the settlement will be approved in accordance with paragraph (d) of this section. 29 C.F.R. §1980.111(c)

The terms of the settlement agreement meet the applicable standard: that they be fair, adequate, reasonable and not against the public interest. *See, e.g., Heffley v. NGK Metals Corp.*, 89-SDW-2 (Sec'y Mar. 6, 1990) (order to submit settlement); *Bunn v. MMR/Foley*, 89-ERA-5 (Sec'y Aug. 2, 1989) (order to submit settlement agreement); *Polizzi V. Gibbs & Hill, Inc.*, Case No. 87-ERA-38 (Sec'y July 18, 1989) slip op. at 2-3; *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10 (Sec'y March 23, 1989), slip op. at 1-2; *Crider v. Holston Defense Corp. and Yeargin Construction Co., Inc.*, Case No. 88-CAA-1 (Sec'y March 1, 1989), slip op. at 2; *Poulos v. Ambassador Fuel Oil Co.*, Case No. 86-CAA-1 (Sec'y November 2, 1987) slip op. at 2. . The agreement is approved. *See*, 29 C.F.R. §1980.111(d)(2).

The case is dismissed with prejudice.

So Ordered.

A

William Dorsey
Administrative Law Judge