U.S. Department of Labor

Administrative Review Board
200 Constitution Avenue, N.W.
Washington, D.C. 20210

In the Matter of:

DANIEL MCDOWELL,

COMPLAINANT,

v.

DOYON DRILLING SERVICES, LTD,

RESPONDENT.

ARB CASE NO. 97-053

ALJ CASE NO. 96-TSC-0008

DATE: March 7, 1997

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

This case arises under the Solid Waste Disposal Act (SWDA), 42 U.S.C. § 6971 (1988). The parties have submitted a Memorandum of Settlement seeking approval of the settlement and dismissal of the complaint.

No copy of the settlement agreement was submitted to the Administrative Law Judge and, therefore, it was not reviewed prior to the issuance of his recommended order. The parties are hereby ordered to submit their settlement agreement for review to the Board, as it would be error to dismiss a case without reviewing the agreement to determine whether it is a fair, adequate and reasonable settlement. *See* 29 C. F. R. § 24.6. *Macktal v. Secretary of Labor,* 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor,* 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.,* Case Nos. 89ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2.

The Board also requires that all parties requesting settlement approval of cases arising under the employee protection provisions of the SWDA provide the settlement documentation for any other alleged claims arising from the same factual circumstances forming the basis of the federal claim, or to certify that no other such settlement agreements were entered into between the parties. *Biddy v. Alyeska Pipeline Service Company,* ARB Case Nos. 96-109, 97-015, Final Order Approving Settlement and Dismissing Complaint, Dec. 3, 1996, slip op. at 3.

The parties are required to file a joint response to this Order within ten (10) days. If the parties cannot agree upon a joint response, Complainant's counsel is to submit the required

information within ten (10) days from the issuance of this Order. Respondent may submit a response within fifteen (15) days of the issuance of this Order.

SO ORDERED.

DAVID A. O'BRIEN

Chair

KARL J. SANDSTROM

Member

JOYCE D. MILLER

Alternate Member