

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 April 2005

CASE NO.: 2005-AIR-00006

In the Matter of

ROBERT T. FORD
Complainant

v.

PAN AMERICAN AIRWAYS CORPORATION
Respondent

Appearances:

John E. Wells, Attorney (Airline Pilots Association International,
Legal Department), Herndon, Virginia, for the Complainant

John R. Nadolny, General Counsel (Pan American Airways
Corporation), Portsmouth, New Hampshire, for the Respondent

Before: Daniel F. Sutton
Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

This matter arises from the complaint of Robert T. Ford (“Ford” or the “Complainant”) alleging that Pan American Airways Corporation (“Pan American” or the “Respondent”) terminated his employment as an airline captain in violation of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21”), 49 U.S.C.A. § 42121 (West 2003). Ford’s complaint was investigated by the Occupational Safety and Health Administration (“OSHA”) which issued “Secretary’s Findings” on November 2, 2004, finding merit to the complaint and ordering Pan American to provide “make whole” relief to Ford. Pan American filed timely objections to the Secretary’s Findings and requested a hearing pursuant to 49 U.S.C.A. § 42121(b)(2)(A). The matter was referred to the Office of Administrative Law Judges (“OALJ”) for a formal hearing.

Prior to the commencement of the hearing, the parties voluntarily invoked the Office of Administrative Law Judges’ settlement judge procedure; *see* 29 C.F.R. § 18.9(e) (2004); and they have by letter dated April 20, 2005 now filed a fully executed settlement agreement for

approval pursuant to the Air 21 implementing regulations. 29 C.F.R. § 1979.111(d)(2) (2004).¹ Upon review, I find that the settlement agreement constitutes a fair, adequate and reasonable resolution of the Complainant's claims under the employee protection provisions of AIR 21.

Accordingly, the settlement agreement is APPROVED, and the complaint in this matter is DISMISSED.

SO ORDERED.

A

**DANIEL F. SUTTON
ADMINISTRATIVE LAW JUDGE**

Boston, Massachusetts

NOTICE: Approval of the settlement agreement constitutes the final order of the Secretary and

¹ Section 1979.111(d)(2) states,

Adjudicatory settlements. At any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the administrative law judge if the case is before the judge, or by the Board if a timely petition for review has been filed with the Board. A copy of the settlement shall be filed with the administrative law judge or the Board, as the case may be.