

Issue Date: 24 March 2011

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

ALJ Case No. 2005-AIR-00029

In the Matter of

RONALD WALTERS,
Complainant

v.

TRANSMERIDIAN AIRLINES,
Respondent

Before: Jonathan C. Calianos, Administrative Law Judge

Appearances:

Kathleen Peratis, Esquire, (Outten & Golden, LLP),
New York, NY, for the Complainant

Joel L. Tabas, Esquire (Tabas, Freedman, Soloff & Miller, PA),
Miami, FL, for James R. Marshall, Chapter 7 Bankruptcy Trustee of TransMeridian Airlines

DECISION AND ORDER DISMISSING COMPLAINT

This proceeding arises from a complaint of discrimination filed under section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121 (“AIR21”), and the procedural regulations found at 29 C.F.R. § 1979.100, *et seq.* (2003). On February 10, 2005, Ronald Waters filed whistleblower complaints under AIR21 with the Occupational Safety and Health Administration against TransMeridian Airlines

(“TransMeridian”) and Travelspan, Inc. By order dated September 16, 2005, both cases were consolidated. Subsequently, TransMeridian filed for bankruptcy protection under Chapter 7 of the Bankruptcy Code and James R. Marshall was appointed the Chapter 7 Trustee of TransMeridian. On October 24, 2005, an order issued staying the whistleblower proceedings on account of the bankruptcy filing. On January 30, 2006, the two whistleblower cases were severed, and Walter’s case against Travelspan, Inc. proceeded to trial. On June 23, 2006, Administrative Law Judge Robert Kaplan granted Walter’s complaint against Travelspan and awarded him damages and attorney fees. The case against TransMeridian has remained stayed since 2005, and on December 7, 2010, the case was reassigned to me.

On January 31, 2011, I conducted an off-the-record telephone conference with the following parties: (1) Attorney Kathleen Peratis, counsel of record for Mr. Walters in both whistleblower complaints; (2) Attorney J. Robert Williamson, TransMeridian’s bankruptcy counsel; (3) Attorney Jonathan Yarbrough, counsel of record for both TransMeridian and Travelspan in the whistleblower proceedings; (4) Attorney Joel L. Tabas, counsel for James Marshall, the Chapter 7 Trustee of TransMeridian. During the conference, it was revealed that the TransMeridian bankruptcy case offered no hope of a distribution to general creditors and there was no evidence that Walters had even filed a timely claim in the proceeding. Additionally, Attorney Peratis stated that her client had no intention of proceeding against TransMeridian as he was successful in his complaint against Travelspan and any further recovery would not be warranted under the circumstances. At the conclusion of the conference, I asked Attorney to Peratis to confer with the Claimant and let us know whether he had any intention of pursuing the complaint against TransMeridian given the travel of these proceedings. On March

18, 2011, Attorney Peratis filed a letter indicating that Walters will not proceed any further against TransMeridian.

Considering the record in this proceeding, the statements of counsel during the January 2011 telephone conference, and the written statement filed by Attorney Peratis, I find that dismissal of the complaint is appropriate at this time. Accordingly, the complaint against TransMeridian is **DISMISSED**.

SO ORDERED.

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JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts