

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 18 July 2011**

CASE NO.: 2010-AIR-00002

In the Matter of

JAMES BROERSMA,  
Complainant,

v.

AMERICAN AIRLINES, INC.,  
Respondent.

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CASE NO.: 2010-AIR-00003

In the Matter of:

ROBERT COTTLE,  
Complainant,

v.

AMERICAN AIRLINES, INC.,  
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT**

These cases involve complaints under the Whistleblower Protection Provision of the of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR Act), 42 U.S.C. § 42121, brought by Complainants against Respondent. By letter dated September 27, 2010, Respondent asserted that these complaints were moot because the retaliation claim, that Respondents wrongfully recouped “sick pay” to which the Complainant’s were entitled, was resolved as Complainant’s were made whole through the reimbursement of the sick pay.

During a telephone conference on March 2, 2011, Complainant’s objected to the dismissal, arguing that the cases were not moot as Respondent had not paid interest on the back pay in question. Subsequently, by letter dated July 1, 2011, Respondent again requested that the claims be dismissed as moot because Respondent had paid the interest on the back pay. Respondent offered that Complainants’ concurred in the request.

Under AIR 21, the Secretary of Labor must agree to the terms of the settlement agreement. See 49 U.S.C. § 42121(b)(3)(A); 29 C.F.R. §1979.111(d)(2). Because of this, settlement agreements under AIR 21 must be approved by the administrative law judge.

The payment of the sick pay - the remedy sought - and interest due, appears to be fair, reasonable and consistent with public policy.

**ORDER**

In consideration of the aforesaid, **IT IS ORDERED** that the settlement is approved, and these cases are dismissed with prejudice.

**A**  
THOMAS M. BURKE  
Administrative Law Judge