

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 20 July 2011**

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CASE NO.: 2011 AIR 8  
In the Matter of  
**STEVEN M. GRAY**  
Complainant

v.

**FRONTIER AIRLINES/  
REPUBLIC AIRWAYS HOLDINGS, INC.**  
Respondents

Appearances: Mr. Steven Gray  
*Pro Se*

Mr. David J. Carr, Attorney  
Mr. Paul C. Sweeney, Attorney  
For the Respondents

Before: Richard T. Stansell-Gamm  
Administrative Law Judge

**FINAL ORDER APPROVING SETTLEMENT --  
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This case arises under the employee protection provisions of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, Public Law 106-181, 49 U.S.C. § 42121 (“AIR 21” or “the Act”), as implemented by 29 C.F.R. Part 1979. On September 9, 2010, Mr. Gray filed an AIR 21 complaint against Frontier Airlines. After an investigation and dismissal of the complaint by the Occupational Safety and Health Administration (“OSHA”), and Mr. Gray’s objection to the dismissal, the complaint was forwarded to the Office of Administrative Law Judges. Pursuant to a Revised Notice of Hearing, dated June 22, 2011, I set a hearing date of August 2, 2011 in Springfield, Missouri. Prior to the hearing, I was advised that the parties had settled the case. As a result, I continued the proceedings on June 27, 2011. On July 20, 2011, I received the parties’ settlement agreement which fully settles and resolves their dispute.

In the settlement agreement, Mr. Gray acknowledges that he was provided an opportunity to seek the advise of counsel and that he both understands the agreement’s terms and voluntarily accepts the settlement. Based on the issues presented in this case and the parties’ respective positions, and upon review of the terms of the settlement, I find the provisions are fair, adequate

and not contrary to public interest.<sup>1</sup> Accordingly, approval of the settlement agreement under 29 C.F.R. § 1979.111(d)(2) in regards to Mr. Gray's September 9, 2010 AIR 21 complaint is appropriate.<sup>2</sup> Upon my approval, the parties shall implement their settlement as specifically stated in the agreement. And, under 29 C.F.R. § 1979.111(e), the approved settlement represents the final order of the Secretary, U.S. Department of Labor, regarding the September 9, 2010 AIR complaint.

## ORDER

The parties' settlement agreement regarding the AIR 21 complaint of Mr. Steven M. Gray against Frontier Airlines, filed September 9, 2010, is **Approved**. Accordingly, the AIR 21 complaint of Mr. Steven M. Gray against Frontier Airlines, filed September 9, 2010, is **Dismissed with Prejudice**.

**SO ORDERED:**

**A**

RICHARD T. STANSELL-GAMM  
Administrative Law Judge

Date Signed: July 20, 2011  
Washington, DC

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<sup>1</sup>See *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.*, 89-ERA-9, 89-ERA-10 (Sec'y Mar. 23, 1989) and *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec'y Mar. 6, 1990).

<sup>2</sup>The settlement agreement also includes a withdrawal of Mr. Gray's second AIR 21 complaint filed on or about April 5, 2011 presently before OSHA. As I advised the parties in the June 27, 2011 continuance order, I only have jurisdiction over Mr. Gray's first AIR 21 complaint, filed September 9, 2010.