

**U.S. Department of Labor**

Office of Administrative Law Judges  
William S. Moorhead Federal Office Building  
1000 Liberty Avenue, Suite 1800  
Pittsburgh, PA 15222

(412) 644-5754  
(412) 644-5005 (FAX)



**Issue Date: 06 November 2014**

CASE NO.: 2011-AIR-11

In the Matter of:

ALBERT J. MACK, III,  
Claimant

v.

PINNACLE AIRLINES, INC.,  
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT  
AND DISMISSING COMPLAINT**

The above-styled proceeding arose under the provisions of Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121 (“AIR 21”). The parties signed a Settlement Agreement (“Agreement”) that was received in my office on November 4, 2014. The Agreement resolves the controversy arising from the complaint of Albert J. Mack, III against Pinnacle Airlines, Inc. alleged as a result of whistleblower actions. While the claim was ongoing, Pinnacle Airlines, Inc. declared bankruptcy and reorganized as Endeavor Air, Inc. The Settlement Agreement was signed by the claimant, the successor of Pinnacle Airlines, Inc., i.e. Endeavor Air, Inc., and the unsecured claims trustee of the Pinnacle bankruptcy.

On the basis of the totality of the record and considering the substantial factual and legal issues which are in controversy, and in view of the uncertainties of litigation, I have reached a conclusion after considering the Agreement. Under the standards set out in 20 C.F.R. § 1979.111, I find that the amount of the settlement is adequate, the settlement is in the claimant’s best interest, and was not procured under duress.

**ORDER**

Accordingly, the settlement agreement is incorporated into this order by reference and is hereby **APPROVED** pursuant to the provisions of 20 C.F.R. § 1979.111.

IT IS ORDERED THAT:

1. The claimant be allowed a general unsecured non-priority claim in the amount specified in the Agreement.
2. Claimant, on behalf of himself, his heirs, representatives and assigns, waives, releases and/or discharges the Endeavor Releases as defined in the settlement agreement.

RICHARD A. MORGAN  
Administrative Law Judge