



Issue Date: 05 April 2012

Case No.: 2011-AIR-00010

In the Matter of

RORY PERSAUD,
Complainant

v.

PANASONIC AVIONICS CORPORATION,
Respondent

**FINAL ORDER APPROVING PARTIES' AGREEMENT
AND DISMISSING CLAIM WITH PREJUDICE**

The above-captioned matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) which was signed into law on April 5, 2000. AIR21 includes a whistleblower protection provision, with a Department of Labor complaint procedure. Implementing regulations are at 29 CFR Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

By letter dated April 2, 2011, counsel for the Respondent submitted the following joint filings:

- Notice of Joint Motion for Approval of Confidential Settlement Agreement and Dismissal of Complaint
- Joint Letter Memorandum of Law
- Confidential Settlement Agreement and General Release.¹

I have reviewed the contents of the parties' Confidential Settlement Agreement and General Release. I find that the provisions of that Confidential Settlement Agreement and General Release are fair, adequate and consistent with the public interest. The parties have jointly requested that their settlement agreement be approved. Therefore, as requested by the parties, I GRANT their joint motion for approval of the Confidential Settlement Agreement and General Release.

¹ The Confidential Settlement Agreement has been redacted per the parties' previous request as approved in my Order dated March 28, 2012.

The parties have jointly moved that the Confidential Settlement Agreement and General Release be treated as confidential business information subject to the protections against disclosure set forth at 29 C.F.R. §70.26 and 29 C.F.R. §18.56.

I find that the Confidential Settlement Agreement and General Release is covered under 5 U.S.C. § 552(b)(4). Therefore, I GRANT the parties' joint motion and designate the Confidential Settlement Agreement and General Release as confidential business information. *See e.g., Cianfrani v. Public Service Electric & Gas Co.*, ARB Case No. 96-053, ALJ Case No. 95-ERA-33 (ARB Sept. 19, 1996). I will have sealed the Confidential Settlement Agreement and General Release.² As to the sealed material, I find that the parties are entitled to pre-notification disclosure rights under 29 C.F.R. § 70.26, and direct that the parties be notified, in accordance with the pertinent regulations.

Based on the Confidential Settlement Agreement which I have approved, I hereby GRANT the parties' joint motion to dismiss the pending matter with prejudice.

SO ORDERED.

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LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey

² In the approved Confidential Settlement Agreement, the parties stipulate that such materials will be filed under seal.