



Issue Date: 25 November 2013

Case No.: 2012-AIR-11

In the Matter of:

WAYNE A. FORSHEY,
Complainant,

v.

REPUBLIC AIRWAYS HOLDINGS, INC.,
d/b/a CHAUTAUQUA AIRLINES,
Respondent.

**ORDER APPROVING SETTLEMENT AGREEMENT AND DISMISSING
COMPLAINT WITH PREJUDICE**

This proceeding arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, (“AIR 21”), 49 U.S.C. § 42121, and the implementing regulations at 29 CFR Part 1979, published at 67 Fed. Reg. 15454 (April 1, 2002), and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges found at 29 CFR Part 18A. In this case, Wayne A. Forshey (“Complainant”), had requested a hearing by the Office of Administrative Law Judges (“OALJ”) because he objected to a finding by the Occupational Safety and Health Administration (“OSHA”) that Republic Airways Holdings, Inc., d/b/a Chautauqua Airlines (“Respondent”) did not violate AIR 21 when it terminated his employment.

On November 1, 2013, the parties filed a “Notice of Settlement and Joint Request for Approval and Dismissal With Prejudice Pursuant to 29 C.F.R. §§ 18.9(c)(2) & 1979.111(d)(2).” Complainant agrees therein to a dismissal of his complaint in return for certain consideration offered him by Respondent. The parties “Notice of Settlement and Joint Request for Approval and Dismissal With Prejudice Pursuant to 29 C.F.R. §§ 18.9(c)(2) & 1979.111(d)(2),” “Stipulation of Dismissal With Prejudice” and “Confidential Settlement Agreement And General Release,” (which was attached to aforementioned Notice of Settlement as Exhibit 1) submitted to me on November 1, 2013, are, by reference, fully incorporated herein. At the request of the parties, the terms of the settlement agreement shall remain confidential. Should the settlement agreement become the subject of a request under the Freedom of Information Act, 5 § U.S.C. 552, the procedures in 29 C.F.R. § 70.26 shall apply. *See also* 29 C.F.R. § 18.56; § 18.9.

After careful consideration of the terms and conditions set forth therein, I find them to be fair, adequate, and reasonable. Furthermore, I find that it is in the public interest to adopt the parties’ agreement as a basis for the administrative disposition of this case.

Therefore,

IT IS HEREBY ORDERED that the parties will carry out the requirements of the “Confidential Settlement Agreement And General Release.” **IT IS ALSO ORDERED**, that the complaint filed by Wayne A. Forshey in the above-captioned matter is **DISMISSED**, with prejudice.

IT IS FURTHER ORDERED that the hearing in this matter, scheduled to begin on June 9, 2014, is **CANCELLED**.

PETER B. SILVAIN, JR.
Administrative Law Judge