



Issue Date: 10 June 2013

Case No.: 2012-AIR-00021

In the Matter of:

**STEVEN M. GRAY,
Complainant,**

v.

**UNITED AIRLINES,
Respondent.**

**DECISION AND ORDER APPROVING SETTLEMENT AND
DISMISSING WITH PREJUDICE**

This matter arises under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121 (“AIR 21”). Pursuant to my *Notice of Hearing*, dated September 17, 2012, this case was scheduled for formal hearing on November 27-28, 2012, in Oklahoma City. On November 16, 2012, I received Respondent’s *Agreed Motion to Continue Hearing*. Citing scheduling conflicts, the parties requested that this hearing be continued until March 25, 2013, or later. On November 20, 2012, I issued an *Order to Cancel Hearing*, directing the parties to file a status update by March 1, 2013.

On April 11, 2013, I received the *Agreed Motion for Dismissal With Prejudice* from Respondent. The parties stated that in an effort to resolve this action without incurring additional fees and expense, the parties have entered into a confidential settlement agreement. The parties requested that this tribunal dismiss Complainant’s claims against Respondent with prejudice. On April 29, 2013, I issued an *Order Denying Dismissal and Directing Parties to Submit Settlement Agreement*.¹

On May 21, 2013, the parties submitted the *First Amended Agreed Motion for Dismissal with Prejudice*. The parties state they have entered into a confidential² Settlement Agreement without Respondent admitting any liability, and have attached their Settlement Agreement as Exhibit A. The parties request that this matter be dismissed with prejudice.

¹ Any settlement agreement must be approved by the Administrative Law Judge if the case is currently pending before the Office of Administrative Law Judges. 29 C.F.R. 1979.111(d)(2).

² As stated in my April 29, 2013, *Order*, notwithstanding the confidential nature of the Settlement Agreement, all of their filings, including the Settlement Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C.A. § *et seq.*

Considering all the circumstances in this case, I find that the amount³ of the agreement is adequate and reasonable and has not been procured by duress. I note that both parties were represented by counsel. While the parties purport to discharge “any and all legal actions and other disputes between the parties,” I only approve the Settlement Agreement with respect to Complainant’s AIR21 matter currently pending before this tribunal.

ORDER

In accordance with 20 C.F.R. §702.243, it is hereby **ORDERED** that the Settlement Agreement submitted is **APPROVED**, and the parties are directed to carry out the requirements of the settlement. Pursuant to the joint request of the parties, this case is dismissed with prejudice.

SO ORDERED.

CHRISTINE L. KIRBY
Administrative Law Judge

³ As the parties have requested that the terms remain confidential, I will not recite the specific terms in this *Order*.