



Issue Date: 09 July 2014

In the Matter of
KELLY MCLAUGHLIN,
Complainant

Case No.: 2013 AIR 17

v.

AMERICAN AIRLINES,
Respondent

Appearances: Mr. Charles C. Vaught, Attorney
For the Complainant

Mr. Randall J. White, Attorney
For the Respondent

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 March 12, 2013, Mr. McLaughlin filed an AIR 21 complaint against American Airlines. After an investigation by the Occupational Safety and Health Administration, Mr. McLaughlin’s complaint was dismissed on June 7, 2013. In response, on June 18, 2013, Mr. McLaughlin filed an objection to the dismissal and requested a hearing before the Office of Administrative Law Judges. Following several continuances, and pursuant to a Revised Third Notice of Hearing, dated February 11, 2014, I set a hearing date of July 29, 2014 for this case in Tulsa, Oklahoma. On July 9, 2014, I received the parties’ settlement agreement.

Upon review of the settlement agreement, I first note that the parties were ably represented by counsel. Further, the Complainant represents his understanding of the agreement’s provisions and the associated rights and obligations. Based on the issues presented in this case and the parties’ respective positions, and upon review of the terms of the settlement agreement, I find the provisions are fair, adequate and not contrary to public interest.¹

¹See *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); *Heffley v. NGK Metals Inc.*, 89-SDW-2 (Sec’y Mar. 6, 1990).

Consequently, I approve the settlement agreement under 29 C.F.R. § 1979.111(d)(2). The parties shall implement their settlement as specifically stated in the agreement. Under 29 C.F.R. § 1979.111(e), this approved settlement order represents the final order of the Secretary, U.S. Department of Labor, regarding Mr. McLaughlin's March 12, 2013 AIR 21 complaint.

The parties have agreed to keep the specific terms of the agreement confidential and request continued confidentiality to the extent permissible under 29 C.F.R. § 70.26. To effectuate such confidentiality, I have sealed the settlement agreement in the administrative file.² However, notwithstanding their agreement, the parties' submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 (a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.³

ORDER

The parties' settlement agreement regarding the March 12, 2013 AIR 21 complaint of Mr. Kelly McLaughlin against American Airlines is **Approved**. Accordingly, the March 12, 2013 AIR 21 complaint of Mr. Kelly McLaughlin is **Dismissed with Prejudice**.

SO ORDERED:

RICHARD T. STANSELL-GAMM
Administrative Law Judge

Date Signed: July 9, 2014
Washington, D.C.

²On the outside of the sealed envelope containing the settlement agreement, I have included an order that the parties' attorneys be notified upon receipt of a FOIA request, and prior to disclosure. Upon such notification, counsel will have an opportunity to request an applicable disclosure exemption.

³See *Debose v. Carolina Power and Light Co.*, 92-ERA-14 (Sec'y Feb. 7, 1994); *Darr v Precise Hard Chrome*, 95-CAA-6 (Sec'y May 9, 1995).