U.S. Department of Labor

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Issue Date: 07 October 2016

Case No.: 2014-AIR-00017

In the Matter of

JEFFREY A. SOBHANI
Complainant

v.

BOMBARDIER AEROSPACE
Respondent

ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINANT'S COMPLAINT

This matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century ("AIR 21" or the "Act"), which was signed into law on April 5, 2000. The Act includes a whistleblower protection provision, with a Department of Labor complaint procedure.[1] Implementing regulations are at 29 C.F.R. Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).[2]

On May 6, 2016, this Tribunal issued its "Order Pertaining to Proffered Settlement Agreement and Enclosing Draft Order Approving Settlement Agreement and Canceling Hearing."[3] This Order also notified the parties that this Tribunal generally found the parties' proposed May 5, 2016 Settlement Agreement[4] amenable; however, prior to dismissal, this Tribunal required the parties to agree to certain emendations to the text of the agreement, and to agree to certain requirements. The May 6, 2016 Order discussed this Tribunal's intention to issue a separate order dismissing Complainant's claim with prejudice:

> [O]nce this Tribunal receives: 1) Bombardier's updated Q-400 certification report (as contemplated in Paragraphs 1 and 2); **and** (2) a sworn attestation from Respondent that it has submitted "the updated Q400 certification report to

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[1] Pub. L. 106-181, tit. V, § 519(a), Apr. 5, 2000, 114 Stat. 145. *See* 49 U.S.C. § 42121.

[2] Instead of recounting the vast procedural posture, the reader is suggested to refer to prior Orders. *See e.g.*, March 18, 2016 "Order Denying in Part and Granting in Part Complainant's Motion for Discovery Sanctions," at 1-6.

[3] On the same date, this Tribunal canceled the hearing.

[4] Settlements under AIR 21 require the approval of the administrative law judge. *See* 29 C.F.R. § 1979.111(d)(2).

Transport Canada," as Paragraph 2 (titled "AEROC 84.2.AC.30 Update and Submission to Transport Canada") requires.

Emphasis in the original. On September 8, 2016 this Tribunal received Respondent's "highly confidential" updated Q-400 certification report and an August 17, 2016 "Declaration of Elena Couture" that the updated certification report was submitted to Transport Canada. Finally, on September 30, 2016, Respondent submitted its "Response to Order to Show Cause and Notice that All Settlement Conditions Have Been Satisfied." That response, in part, recounted Respondent's duties under this Tribunal's May 6, 2016 settlement Order, stated Respondent's compliance with such duties, and requested this Tribunal to dismiss the matter with prejudice.

Based on Respondent's September 30, 2016 response – and this Tribunal's review of the record as a whole – Respondent is hereby shown its compliance with the terms of the May 6, 2016 Order.

ORDER

WHEREFORE, this Tribunal hereby **APPROVES** the parties' May 5, 2016 settlement agreement – as amended by this Tribunal's May 6, 2016 Order – and **DISMISSES** Complainant's complaint with prejudice.

SO ORDERED.

Digitally signed by Scott R. Morris
DN: CN=Scott R. Morris, OU=Administrative Law Judge, O=US DOL Office of Administrative Law Judges, L=CHERRY HILL, S=NJ, C=US
Location: CHERRY HILL NJ

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey