



Issue Date: 16 December 2015

Case No.: 2015-AIR-00035

In the Matter of

**VICTORIA HOLT**

Complainant

v.

**FBO, LLC, d/b/a LANDMARK AVIATION**

Respondent

**ORDER APPROVING SETTLEMENT, DISMISSING CLAIM,  
SEALING SETTLEMENT DOCUMENTS, AND FILING  
REDACTED SETTLEMENT DOCUMENTS**

This 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. The Act includes a whistleblower protection provision, with a Department of Labor complaint procedure.<sup>1</sup> Implementing regulations are at 29 CFR Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

This Tribunal issued the Notice of Assignment and Conference on October 20, 2015. Complainant submitted her Pre-Hearing Statement on November 3, 2015. Respondent submitted its Pre-Hearing Statement on November 10, 2015.

On December 14, 2015, Respondent submitted the parties' Joint Motion for Approval of Settlement.

I find the proposed Settlement Agreement is proper, and I approve it with several caveats. First, language in the agreement purports to settle, release, or otherwise address claims or potential claims that far exceed the statute involved in this action. *See, e.g.*, paragraphs 1 and 3. I limit my review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Office's jurisdiction. Second, I order the original, unredacted settlement agreement to be sealed per the parties' request; moreover, I have previously informed the parties, and now restate that the records of this Office are subject to the Freedom of Information Act ("FOIA") and are generally public.

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

This Office will place the Settlement Agreements in a sealed envelope within the public file.<sup>2</sup> A copy of this Order will be affixed to this envelope. A redacted copy of the Settlement Agreement will be placed in the public file. Per 29 C.F.R. §18.85(b), I specifically find that portions of the first sentence of paragraph 2 of the Settlement Agreement contain confidential commercial and financial information.

In the event that a request is made for access to the unredacted copy of the Settlement Agreement, the Department of Labor will provide the parties with pre-disclosure notification and an opportunity to respond before any disclosure is made. *See* 29 C.F.R. § 70.26. However, the parties are reminded that the pre-disclosure notice procedure does not, in any way, constitute a finding that the settlement agreement, or any portion thereof, will be exempt from disclosure under FOIA. Similarly, this procedure does not suggest that the appropriate disclosure officer would ultimately decline disclosure of the settlement agreement to the FOIA requester, if such a FOIA request were received. *See* 29 C.F.R. § 70.26(f).

### **ORDER**

1. The parties' Stipulation and Application for Settlement is **GRANTED**. The Settlement Agreement is hereby **SEALED**. A copy of the Settlement Agreement, with portions of the first sentence of paragraph 2 redacted, will remain in the administrative file.
2. The proposed settlement agreement is fair and reasonable as to the claims under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. None of the terms are against the public interest. The proposed settlement agreement is **APPROVED**, and the parties are **ORDERED** to comply with its terms.

This matter is **DISMISSED** with prejudice.

**SO ORDERED.**

**SCOTT R. MORRIS**  
Administrative Law Judge

Cherry Hill, New Jersey

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<sup>2</sup> *See* 29 C.F.R. § 18.56.