



Issue Date: 30 December 2015

Case No.: 2015-AIR-00017

In the Matter of

MICHAEL P. MIRELES
Complainant

v.

SPIRIT AIRLINES
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.¹ Implementing regulations are at 29 CFR Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

Pursuant to the June 3, 2015 Notice of Hearing, the hearing in this matter was originally set to convene on October 20, 2015. On August 3, 2015, Complainant submitted a Motion for Continuance to Reschedule Final Hearing. By Order issued August 11, 2015, I granted Complainant's Motion for Continuance to Reschedule Final Hearing. I rescheduled the hearing for January 26, 2016. This matter's subsequent procedural background, particularly regarding discovery disputes, is set forth in the November 24, November 30, and December 7, 2015 Orders. On December 10, 2015, Respondent submitted a Motion for Summary Decision, with accompanying memorandum and attachments. Also on December 10, 2015, Complainant submitted a Motion for Summary Decision, with accompanying exhibits. In light of the Act's mandate that these proceedings commence expeditiously and the impending hearing date, I directed the parties to submit expedited responses to the opposing party's Motion by Order issued December 14, 2015.

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

Subsequently, on December 18, 2015, the parties informed my office that they reached a settlement. By letter dated December 23, 2015, the parties submitted a Joint Motion to Approve Settlement, in which the parties requested that portions of paragraph 1(a), including portions of subparagraphs (a)(i) through (a)(iii), of the Confidential Settlement Agreement & Mutual General Release and Waiver of All Claims (“Confidential Settlement Agreement”) be filed in the public record; the Confidential Settlement Agreement was signed in counterpart by each of the parties.

I find the Confidential 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 2, 3, 7(c)-7(d), and 9. 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 Confidential Settlement Agreement to be sealed; moreover, the parties are advised that the records of this Office are subject to the Freedom of Information Act (“FOIA”) and are generally public.

This Office will place the Confidential Settlement Agreement in a sealed envelope within the public file.² A copy of this Order will be affixed to this envelope. A redacted copy of the Confidential Settlement Agreement will be placed in the public file. Per 29 C.F.R. §18.85(b), I specifically find that portions of paragraph 1(a), including portions of subparagraphs (a)(i) through (a)(iii), of the Confidential Settlement Agreement contain confidential commercial and financial information.

In the event that a request is made for access to the unredacted copy of the Confidential 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’ Confidential Settlement Agreement is GRANTED. The Confidential Settlement Agreement is hereby SEALED. A copy of the Confidential Settlement Agreement, with portions of paragraph 1(a), including portions of subparagraphs (a)(i) through (a)(iii), of the Confidential Settlement Agreement, 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.

² *See* 29 C.F.R. § 18.56.

This matter is DISMISSED with prejudice.

SO ORDERED.

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey