



Issue Date: 01 May 2018

CASE NO.: 2015-AIR-00016

In the Matter of:

JEREMIAS ZAVALETA,
Complainant,

v.

ALASKA AIRLINES,
Respondent.

DECISION AND ORDER
APPROVING SETTLEMENT

This case involves the employee protection provisions of section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121 (“AIR21”), and the implementing regulations set forth at 29 C.F.R. Part 1979, Subpart B. Attorney Sandra Ribera Speed represents Complainant.¹ Attorneys Harry Korrell and Missy Mordy represent Respondent. A hearing is scheduled for May 14 and 15, 2018, in Sacramento, California.

This matter has been pending with me for over three years and I am very familiar with the case. The original case was received for hearing in March 2015. Complainant was self-represented the majority of the time, including on an appeal of a summary decision to the ARB. The ARB remanded the case in May 2017. *See Zavaleta v. Alaska Airlines, Inc.*, ARB No. 15-080, OALJ No. 2015-AIR-016 (May 8, 2017). Complainant had an attorney from July 2017 to December 7, 2017, at which point the attorney withdrew after a settlement agreement did not come to fruition. During a pre-hearing conference, the parties agreed to add for hearing a separate complaint made by Complainant to OSHA following his termination by Respondent on May 22, 2017. Complainant alleged that the termination was retaliation related to this case. Complainant notified OSHA in writing to close that matter and that it would be joined in the case currently pending and heard during the same hearing. In an order issued April 13, 2018, I joined the allegations related to his termination to this case.

On April 30, 2018, the parties submitted a Settlement Agreement that resolved all issues pending for hearing in this matter under AIR21. “At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree

¹ Complainant submitted a letter stating he had obtained an attorney on April 20, 2018. Ms. Ribera Speed submitted notice of representation on April 30, 2018.

to a settlement and the settlement is approved by the administrative law judge if the case is before the judge, or by the Board if a timely petition for review has been filed with the Board.” 29 C.F.R. § 1979.111(d)(2). The Settlement Agreement is appropriate in form and substance and details the respective duties and obligations of the parties pursuant to the agreement. Having reviewed and considered the Settlement Agreement, I find that its terms fairly, adequately, and reasonably settle this AIR21 case. *Baena v. Atlas Air, Inc.*, ARB No. 03-008, OALJ No. 2002-AIR-00004 (ARB Jan. 10, 2003). I further find that the Settlement Agreement is not contrary to the public interest.

The terms and conditions of the Settlement Agreement are incorporated by reference into this Decision and Order and are hereby adopted and approved. This matter is dismissed with prejudice. All dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge