

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 29 December 2017**

Case Nos.: 2016-AIR-00026  
2016-AIR-00027

In the Matter of:

**JEFFERY C. CONKLIN and  
MATTHEW NAYLOR,**  
Complainants

v.

**JET 1, LLC,**  
Respondent

and

**ACP JETS CHARTERS, INC.**  
Respondent

and

**MORAN INDUSTRIES, INC.**  
Respondent

and

**MORAN LOGISTIC, LLC**  
Respondent

and

**LOGISTICS RESOURCE, LLC**  
Respondent

and

**HELICOPTER 1, LLC**  
Respondent

and

**JOHN MORAN**

Respondent

and

**JOHN D. MORAN, JR.**

Respondent

### **ORDER APPROVING SETTLEMENT AND DISMISSING CLAIM**

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 C.F.R. Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

On December 26, 2017, the parties submitted a Joint Motion for Approval of Settlement Agreement and Dismissal of Complaints. They attached a full version of the Settlement Agreement and General Release, along with a number of exhibits related to collateral agreements between Complainants and third parties.

This Tribunal finds that the proposed Settlement Agreement is proper, and approves it with several caveats. First, language in this agreement purports to settle, release, or otherwise address claims or potential claims that far exceed the statute involved in this action. *See* Paragraphs 3, 4, and 8. The Tribunal limits its review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's jurisdiction.

Second, language in the Settlement Agreement indicates that Maureen Bufalino is part of the group of respondents that has settled with Complainants. However, by Order dated May 11, 2017, this Tribunal dismissed Ms. Bufalino as a party due to Complainants' failure to establish that she was a properly identified employer. As a nonparty, this Tribunal no longer has jurisdiction over Ms. Bufalino, and therefore does not approve or reject the settlement terms reached between Ms. Bufalino and Complainants.

#### Order

1. The parties' requests to approve their Settlement Agreement and dismiss their AIR 21 claims are GRANTED. **However, the parties are advised that this Tribunal does not bind the parties to the provisions in Paragraphs 3, 4, and 8 that are beyond its jurisdiction.**

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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.

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 and General Release” is APPROVED, and the parties are ORDERED to comply with its terms.

This matter is DISMISSED with prejudice. The hearing in this matter is hereby CANCELLED.

SO ORDERED

**SCOTT R. MORRIS**  
Administrative Law Judge

Cherry Hill, New Jersey