



Issue Date: 29 November 2016

CASE NO.: 2016-AIR-00013

IN THE MATTER OF

**CARLOS RODRIGUEZ-BOTET,**  
Complainant

v.

**PHI AIR MEDICAL, LLC AND PHI, INC.,**  
Respondents

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

**1. Nature of Request.** This matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21 Act). The AIR-21 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). The parties submitted a proposed Settlement Agreement and General Release (Settlement Agreement) for approval by the undersigned and requested the financial terms portion of the agreement be sealed.

**2. Procedural History, Findings of Fact and Legal Conclusions.**

a. Complainant filed a Complaint on April 4, 2016, asserting Respondents committed discrimination prohibited by the AIR-21 Act. Respondents filed their Response to the Complaint on April 22, 2016 in which they denied liability. The undersigned set the matter for hearing. The parties then engaged in extensive discovery and requested a new hearing date and extension of case filing deadlines in light of the need to conduct additional discovery.

b. Subsequently, on October 26, 2016, the parties notified the undersigned's office that they reached a settlement in this matter. By letter dated November 2, 2016, the parties submitted the Settlement Agreement and requested that Part 2 not be filed in the public record. The Settlement Agreement was signed in counterpart by each of the parties.

---

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

c. Part 2 of the Settlement Agreement contains confidential financial information pertaining to the terms of payment to Complainant.

d. The proposed Settlement Agreement is a proper, fair, and reasonable resolution of claim in this matter. The Settlement Agreement is not a product of duress upon either party. None of the terms violate the public interest, and it complies with the AIR-21 Act.

### **3. Ruling and Order**

a. The Settlement Agreement is approved pursuant to 29 C.F.R. 1979.111(d)(2). The parties are directed to comply with its terms by the established dates.

b. Part 2 of the Settlement Agreement is hereby sealed. The original Settlement Agreement will be placed in a sealed envelope in the public file, and a copy with Part 2 redacted will remain in the administrative file.

c. In the event of a request for access to the original, full and un-redacted copy of the Settlement Agreement, or if the sealed document is directed to be opened by a competent legal order, 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 pre-disclosure notice procedure does not constitute a finding that the Settlement Agreement, or the sealed portion thereof, will be exempt from disclosure under FOIA. Similarly, this procedure does not suggest the appropriate FOIA review officer would decline disclosure of the sealed portion of the Settlement Agreement if a FOIA request is received. *See* 29 C.F.R. § 70.26(f).

d. The hearing in this matter is cancelled, and the claim is dismissed.

So ORDERED in Covington, LA.

TRACY A. DALY  
Administrative Law Judge