



**Issue Date: 21 March 2017**

Case No.: 2017-AIR-00007

In the Matter of

**WILLIAM CARPENTER, JOEL HASTINGS,  
THADDEUS KOSECKI, JAMES LARSON,  
BELA MOHAPP, AND EDWARD TOSADO**

Complainants

v.

**AMERICAN AIRLINES, INC.**

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).

On February 27, 2017 by email, Respondent submitted the parties' Stipulated Joint Motion for Approval of Settlement Agreement and Filing under Seal, as well as their "Confidential Settlement Agreement and General Release."

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, 5, and 7. The Tribunal limits its review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's jurisdiction. Second, this Tribunal **ORDERS** Paragraph 1(including subparagraphs a-c) of the original unredacted settlement agreement to be sealed per the parties' request; moreover, the Tribunal has previously informed the parties, and now restates that the records of this Tribunal are subject to the Freedom of Information Act ("FOIA") and are generally available to the 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 Agreement 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), this Tribunal specifically finds that Paragraph 1(including subparagraphs a-c) of the Settlement Agreement contains 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' request to approve the "Confidential Settlement Agreement and General Release is GRANTED. **However, the parties are advised that this Tribunal does not bind the parties to the provisions in paragraphs 3, 5 and 7 that are beyond its jurisdiction.** The unredacted Settlement Agreement is hereby SEALED. A copy of the redacted Settlement Agreement, Paragraph 1(including subparagraphs a-c) 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 "Confidential Settlement Agreement and General Release" 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.