

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 24 August 2017**

Case No.: 2017-AIR-00019

In the Matter of:

KENNETH FIRESTONE  
**Complainant**

v.

SPEED AVIATION, INC.  
**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 CFR Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

On August 16, 2017 by email, Respondent submitted the parties' Joint Request to Clarify Request for Withdrawal of Complaint and to Request Approval of Settlement Agreement, as well as their Settlement Agreement and Mutual Release. Upon this Tribunal's direction, the parties submitted their Amended Settlement Agreement and Mutual Release on August 23, 2017, which corrected the choice of law and venue provision to reflect that jurisdiction shall lie exclusively with the United States District Court for the Northern District of Texas, Amarillo Division.

This Tribunal finds that the proposed Amended Settlement Agreement and Mutual Release is proper, and approves it with one caveat. Specifically, 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* Paragraph 3. The Tribunal limits its review to the asserted AIR21 whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's 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.

Order

1. The parties' motion to approve their Amended Settlement Agreement and Mutual Release is GRANTED. However, the parties are advised that this Tribunal does not bind the parties to the provisions in paragraph 3 that are beyond its jurisdiction.
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 Amended Settlement Agreement and Mutual 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