



Issue Date: 08 January 2019

Case No.: 2017-AIR-00011

In the Matter of:

NICHOLAS GUY POHL
Complainant

v.

DYNAMIC INTERNATIONAL AIRWAYS, ET AL
Respondent

ORDER DISMISSING COMPLAINT

This matter arises under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (“AIR 21” or “the Act”) which was signed into law on April 5, 2000. The Act includes a whistleblower protection provision, with a U.S. Department of Labor (“DOL”) complaint procedure. *See* 49 U.S.C. § 42121. Implementing Regulations are at 29 C.F.R. Part 1979.

On July 27, 2017, after being notified that Respondent had filed a petition for bankruptcy under Chapter 11 in the U.S. Bankruptcy Court for the Middle District of North Carolina on July 19, 2017, this Tribunal issued an Order Staying Proceedings in this Matter.

On January 2, 2019, Respondent informed this Tribunal that Respondent’s bankruptcy case had been closed by the Bankruptcy Court’s October 5, 2018 Final Degree, which Respondent submitted for review. Respondent also submitted copies of the Debtor’s Third Amended Plan of Reorganization as well as the Bankruptcy Court’s February 21, 2018 Order confirming this plan. Respondent argued that under Section 9.3 of the Reorganization Plan, it had been discharged of all debts “to the fullest extent provided in sections 525 and 1141 of the Bankruptcy Code . . . including, but not limited to, demands and liabilities that arose before the Confirmation date”

Respondent noted that there was no indication that Complainant had filed a proof of claim in the Bankruptcy action. Since the Bankruptcy Court had discharged all claims against it, Respondent requested that this Tribunal dismiss this AIR 21 proceeding.

On January 3, 2018, Complainant emailed this Tribunal, stating that he wished to be named on Respondent’s bankruptcy list and was seeking legal counsel to execute his rights as a

creditor to Respondent.

Based on the Orders of the Bankruptcy Court submitted by Respondent, this Tribunal finds that Complainant's claim against Respondent has been discharged. Accordingly, his complaint must be dismissed under 11 U.S.C. § 1141(d)(1)(A). However, should the Bankruptcy Court find that Complainant still has a valid claim against Respondent, then this Tribunal will reconsider this dismissal.

For the above reasons, this Complaint is hereby **DISMISSED** with prejudice.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey

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