



Issue Date: 13 September 2017

Case No.: 2017-AIR-00002

In the Matter of:

TONY WRYE

Complainant

v.

BOMBARDIER INC. D/B/A BOMBARDIER SERVICES

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.¹ Implementing regulations are at 29 CFR Part 1979, published at 67 Fed. Reg. 15453 (Apr. 1, 2002).

On September 7, 2017 by email, Respondent submitted the parties' Confidential Settlement Agreement and General Release ("Settlement Agreement").

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 1(c) and 2. The Tribunal limits its review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's jurisdiction.

Second, language in this agreement mistakenly provides that "The Parties agree that Georgia law shall govern the interpretation of this Agreement." *See* Paragraph 7(e). Per 49 U.S.C. § 42121(b)(6), the appropriate United States District Court shall have jurisdiction, without regard to the citizenship of the parties. To the extent Paragraph 7(e) is inconsistent with the statute, that paragraph is void and unenforceable.

¹ 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 the Settlement Agreement is GRANTED. **However, the parties are advised that this Tribunal does not bind the parties to the provisions in Paragraphs 1(c) and 2 that are beyond its jurisdiction.** Moreover, jurisdiction over the Settlement Agreement belongs to the appropriate United States District Court, in this case, the Middle District of Georgia.
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