



Issue Date: 24 October 2018

**CASE NO. 2018-AIR-00028**

*In the Matter of:*

**DAVID ARDINGER,**  
*Complainant,*

*v.*

**DELTA AIR LINES, INC.,**  
*Respondent.*

**ORDER CANCELING HEARING AND DISMISSING COMPLAINT WITH PREJUDICE**

This matter is currently set for formal hearing beginning on November 13, 2018, in Washington, DC. On October 22, 2018, counsel for Complainant filed a document styled "Notice of Withdrawal of Complaint." The stated basis for withdrawal was that the parties had reached a negotiated settlement agreement. Because the agreement putatively contains confidential commercial and financial information, the parties aver that the settlement agreement is confidential and its terms are not subject to disclosure except as authorized by the agreement itself. In light of this designation, it is hereby **ORDERED** that the document styled "Confidential Settlement Agreement and General Release" attached to the withdrawal noted above will be treated as confidential commercial and financial information under the provisions of 5 U.S.C. § 552(b)(4) and will be **SEALED** and **MARKED** as "PREDISCLOSURE NOTIFICATION MATERIALS." Before any disclosure of these materials under the Freedom of Information Act, the department or component considering release will give **NOTICE** to the parties of the pending disclosure and provide an opportunity for comment.

At any time after the filing of objections to the Assistant Secretary's findings and/or order, a case may be settled if the parties agree to a settlement and I approve it. 29 C.F.R. § 1979.111(d)(2). After carefully considering the terms of the Settlement Agreement, I conclude that the terms and conditions that relate to this proceeding appear to be fair, adequate, and reasonable. I further conclude that the agreement is not contrary to the public interest. Accordingly, the Confidential Settlement Agreement is **APPROVED** and it is hereby **ORDERED** that the hearing scheduled for November 13, 2018, is **CANCELED** and this matter is **DISMISSED WITH PREJUDICE AS SETTLED**.

**SO ORDERED:**

**WILLIAM T. BARTO**  
Administrative Law Judge