

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 16 April 2018

Case No.: 2018-AIR-00005

In the Matter of

MICHAEL HAYES

Complainant

v.

ALTIUS AVIATION LLC

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 C.F.R. Part 1979, published at 68 Fed. Reg. 14,107 (Mar. 1, 2003).

On April 12, 2018, the parties notified this Tribunal via email that they had reached settlement, and submitted a copy of their signed Settlement Agreement. They parties request approval of their Settlement Agreement pursuant to 29 C.F.R. § 1979.111(d)(2).

This Tribunal finds that the proposed Settlement Agreement is proper, and approves it with one caveat. The 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 2 and 3. The Tribunal limits its review to the asserted whistleblower claims only, as anything beyond that limitation exceeds this Tribunal's jurisdiction.

Order

1. The parties' requests to approve their Settlement Agreement and dismiss their AIR 21 claims are GRANTED. **However, the parties are advised that this Tribunal does not**

¹ Pub. L. 106-181, tit. V, § 519(a), Apr. 5, 2000, 114 Stat. 145. *See* 49 U.S.C. § 42121.

bind the parties to the provisions in Paragraphs 2 and 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 Settlement Agreement is APPROVED, and the parties are ORDERED to comply with its terms.

This matter is DISMISSED with prejudice. The scheduled Pre-Hearing Conference Call scheduled for June 1, 2018 and Hearing scheduled for June 12-13, 2018 in this matter is hereby CANCELLED.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jerseys