



Issue Date: 05 March 2019

CASE NO.: 2018-AIR-00020

In the Matter of:

RICHARD ROMERO,
Complainant,

v.

CRITICAL CARE MEDFLIGHT
d/b/a GEORGIA JET
Respondent.

ORDER APPROVING SETTLEMENT and DISMISSING COMPLAINT

A hearing in this matter was scheduled to begin on February 19, 2019, in Atlanta, Georgia. At the commencement of the hearing, both parties advised that they had reached a settlement. On February 25, 2019, I issued an order advising the parties to forward their proposed settlement agreement to me no later than March 4, 2019. The parties submitted their settlement agreement for review as required by 29 C.F.R. §§ 1982.111(d)(2).

Upon review of the settlement agreement, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21). My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under AIR 21. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

In Section 2, paragraph 4, of the settlement agreement – “Mutual Confidentiality,” the parties agree that the settlement agreement should be confidential as between them and to the extent outlined within. Because the Office of Administrative Law Judges is a government agency, and this is a public proceeding, the parties’ submissions in this matter, including the settlement agreement, become a part of the record in this case. The record is subject to the Freedom of Information Act (“FOIA”).¹ FOIA requires agencies to disclose requested records unless they are exempt from disclosure under FOIA. *See, e.g., Fish v. H and R Transfer*, ARB No. 01-071, ALJ Case No. 2000-STA-56, slip op. at 2 (ARB April 30, 2003). Whether the settlement agreement is disclosed under FOIA will be determined by the OALJ FOIA officer

¹ 5 U.S.C. § 552.

after any request for disclosure is filed. If the agreement is disclosed pursuant to FOIA, such disclosure is not a violation of the agreement and will not result in a violation of the settlement agreement.

Finally, Section 2, paragraph 10, of the settlement agreement provides that “[t]his Agreement is entered into within, and shall be interpreted and enforced in accordance with the laws of, the State of Georgia.” This provision is interpreted not to limit the authority of the Secretary of Labor or of any federal court, which shall be governed in all respects by the laws of the United States.²

ORDER

Based on the foregoing, IT IS ORDERED:

1. The settlement between Complainant Richard Romero and Respondent Critical Care Medflight, d/b/a Georgia Jet is APPROVED; and
2. The complaint in this matter is DISMISSED.

SO ORDERED.

LORANZO M. FLEMING
Administrative Law Judge

² *Phillips v. Citizens' Ass'n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec'y Nov. 4, 1991).