



Issue Date: 11 September 2019

Case No.: 2019-AIR-00013

In the Matter of:

ELINE L. KOK

Complainant

v.

MOSER AVIATION

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. AIR 21 includes a whistleblower protection provision, with a Department of Labor complaint procedure. *See* 49 U.S.C. § 42121. Implementing regulations are at 29 C.F.R. Part 1979.

On September 4, 2019, the parties provided the Tribunal with a copy of the fully executed Settlement Agreement for approval.

This Tribunal finds that the proposed settlement agreement is proper, and approves it with several caveats. First, 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* para. 4, 5. The Tribunal limits its review to the asserted AIR 21 whistleblower claim only, as anything beyond that limitation exceeds this Tribunal's jurisdiction.

Second, language in the settlement agreement provides that it shall be governed by the laws of the State of Colorado. *See* para. 15. 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 enforce final orders issued under the Department of Labor's complaint procedure. To the extent paragraph 15 is inconsistent with this statute, that paragraph is void and unenforceable.

Order

1. The parties' requests to approve their Settlement Agreement and dismiss the AIR 21 complaint are GRANTED. **However, the parties are advised that this Tribunal does not bind the parties to the provisions in the Settlement Agreement (para. 4, 5) 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 hearing in this matter is hereby CANCELLED.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey