

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 07 December 2020

CASE NO.: 2020-AIR-00017

In the Matter of:

VIRGINIA E. ARMSTRONG,
Complainant,

v.

JETBLUE AIRWAYS CORPORATION,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This matter arises under the employee protection provision of section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121, as implemented by 29 C.F.R. Part 1979. On November 19, 2020, the Parties filed an *Agreed Motion for Approval of Confidential Settlement Agreement*, along with their *Confidential Settlement Agreement and General Release of Claims* (“Settlement Agreement”).

In reviewing the Settlement Agreement, I must determine whether the terms of the agreement fairly, adequately and reasonably settle Complainant’s allegations that Respondent violated the AIR 21 whistleblower provisions. I find the Settlement Agreement complies with the standard required and it is **APPROVED** pursuant to 29 C.F.R. § 1979.111 (d)(2). The signed settlement agreement is incorporated into this Order.

The Parties are advised that notwithstanding the confidential nature of the Settlement Agreement, all of their filings, including the Settlement Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* The Administrative Review Board noted that:

If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine *at the time a request is made* whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.

Seater v. S. Cal. Edison Co., USDOL/OALJ Reporter (PDF), ARB No. 97-072, ALJ No. 1995-ERA-00013 at 2 (ARB March 27, 1997) (emphasis added). Should disclosure be requested, the Parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

Accordingly, it is **ORDERED** that:

- (1) The Settlement Agreement is **APPROVED**;
- (2) The Parties' request for confidential treatment of the Settlement Agreement is **APPROVED**; and
- (3) The Complaint of Virginia E. Armstrong is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

TIMOTHY J. McGRATH
Administrative Law Judge

Boston, Massachusetts