

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 13 June 2008

CASE NO.: 2007-CAA-8

IN THE MATTER OF

FREDDIE L. FREGO,
Complainant

v.

FERREL NORTH AMERICAN,
Respondent

ORDER APPROVING SETTLEMENT

This case arises under the employee protection provisions of the Clean Air Act, 42 U.S.C. §7622, the Safe Drinking Water Act (SDWA); 42 U.S.C. §300j-9; the Toxic Substances Control Act (TSCA), 15 U.S.C. §2622; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9601; the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. 1251 and the Surface Transportation Assistance Act (STAA), 49 U.S.C. §31105 and the implementing regulations at 29 C.F.R. Part 24. Claimant filed a complaint of discrimination with the Department of Labor against Respondent. On June 11, 2008, the parties submitted for review and approval a pleading styled “Complainant’s Unopposed Motion to Approve Settlement and Dismiss Claim With Prejudice” with accompanying settlement agreement which resolves all issues raised in the Complaint.

After careful consideration of the settlement agreement, I find none of the terms or conditions unacceptable. Moreover, I find the terms of the agreement to be fair and reasonable and adequately protect Mr. Frego. Furthermore, I believe it is in the public interest to approve the agreement as a basis for administrative disposition of this case, and I therefore approve the settlement agreement.

Accordingly, this case is **DISMISSED** with prejudice.

So ORDERED this 13th day of June, 2008, at Covington, Louisiana.

A

C. RICHARD AVERY
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. *See* 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).