



Issue Date: 16 February 2011

CASE NO.: 2010-CAA-00005

IN THE MATTER OF

VINCENT RINCHIUSO
Complainant

v.

THE VILLAGE RESORT
Respondent

ORDER APPROVING SETTLEMENT AND DISMISSING CLAIM

This proceeding arises under the employee protective provisions of the Clean Air Act of 1977, (herein CAA), 42 U.S.C. § 7622, et seq., Public Law 95-95, and regulations thereunder, brought by Vincent Rinchiuso, (Complainant) against The Village Resort (Respondent). These statutory provisions protect an employee from discharge or discrimination resulting from providing the employer or the Federal Government with information relating to any violation or alleged violation of orders, regulations, or standards of the Environmental Protection Agency (EPA) or any other provision of Federal law relating to ambient air quality.

On November 8, 2010, counsel for Respondent, forwarded correspondence, indicating that a settlement had been reached in the above referenced matter and that completed documentation would be forthcoming. On November 22, 2010, Complainant filed a correspondence indicating he had received and was satisfied with a Settlement Agreement and wished for the matter to be dismissed with prejudice. No other documentation has been provided and/or filed with the undersigned.

After careful consideration of the agreement, I find none of the terms or conditions unacceptable. 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.

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CLEMENT J. KENNINGTON
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).