



Issue Date: 17 July 2017

CASE NO.: 2017-CFP-00006

*In the Matter of:*

DEIRDRE THOMAS,  
Complainant,

vs.

BC SERVICES, INC.,  
Respondent.

**DECISION AND ORDER VACATING HEARING, APPROVING SETTLEMENT  
AGREEMENT, AND DISMISSING COMPLAINT**

This complaint was brought by Deirdre Thomas (“Complainant”) against BC Services, Inc. (“Respondent”) alleging violations of the whistleblower protection provisions of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, 12 U.S.C. § 5567 (“Dodd-Frank”). On January 9, 2017, the Occupational Safety and Health Administration (“OSHA”) issued findings dismissing the complaint. Complainant filed a timely request for a hearing before the Office of Administrative Law Judges and the case was assigned to me. On March 3, 2017, I issued a notice of hearing setting this case for hearing from August 14-18, 2017, in Denver, Colorado. On July 11, 2017, however, Respondents filed the Parties’ Notice of Settlement and Complainant’s Withdrawal of Objection to the Secretary of Labor’s Findings signed by counsel for both parties, with an attached Confidential Settlement Agreement and Release signed by Complainant, a corporate representative for Respondent, and counsel for both parties. In light of this development, it is hereby ORDERED that the August 14-18, 2017, hearing in this matter is VACATED.

As part of their settlement agreement, the parties indicate that Complainant withdraws her objections to OSHA’s findings and that they wish to have those findings made the final order of the Secretary, based on 29 C.F.R. § 1985.111(c). That provision applies when objections are withdrawn and the withdrawal is approved by the body with jurisdiction over the case. 29 C.F.R. § 1985.111(c) provides that when the objections are being withdrawn due to a settlement, the settlement must be approved in accordance with 29 C.F.R. § 1985.111(d). Per 29 C.F.R. § 1985.111(d)(2), the parties may settle a Dodd-Frank whistleblower complaint at any time following the filing of objections to OSHA’s findings if the settlement is approved by the adjudicating body with jurisdiction over the case. If the settlement is approved, *it* becomes the final order of the Secretary. 29 C.F.R. § 1985.111(e). Thus, the OSHA findings will not be the final order of the Secretary, though this appears to be immaterial, as the settlement indicates that

the Complainant is withdrawing her objections and that the parties are accepting the OSHA findings regarding the complaint.

After reviewing the settlement agreement, I find that it appears to be reasonable, adequate and not the result of duress. Accordingly, the settlement agreement is hereby APPROVED. The parties are ORDERED to implement the terms of the approved settlement agreement which are incorporated by reference into this Decision and Order.

It is specifically ORDERED that:

1. BC Services, Inc. shall pay to Complainant, Deirdre Thomas, a settlement payment in the gross sum of \$7,000.00.
2. BC Services, Inc. shall pay to Complainant's attorneys in this complaint, Cornish & Dell'Olio, P.C., the sum of \$3,000.00 to reimburse Complainant's legal expenses, litigation costs, and attorney's fees incurred in connection with this complaint.
3. This case is DISMISSED with prejudice.

JENNIFER GEE  
Administrative Law Judge