



**Issue Date: 14 April 2011**

Case No.: **2008-ERA-12**

*In the Matter of:*  
MICHAEL GALLER,  
Complainant

v.

PCI ENERGY SERVICES, LLC,  
Respondent

**DECISION AND ORDER APPROVING SETTLEMENT,  
DISMISSING COMPLAINT WITH PREJUDICE**

This case arises under the Energy Reorganization Act (ERA).<sup>1</sup> On April 7, 2011, the parties filed a “Stipulation of Dismissal with Prejudice,” signed by counsel for both parties, and “Confidential Settlement Agreement and Release,” signed by the Complainant and counsel for the Respondent, representing that the parties have reached a settlement, pursuant to which the case should be dismissed with prejudice. As required by the governing regulation,<sup>2</sup> the parties have submitted their settlement agreement for my review and approval. My review of the settlement agreement is limited to a determination whether its terms fairly, adequately, and reasonably settle the Complainant’s allegations that the Respondent violated the ERA. The parties have requested that the settlement agreement be maintained in confidence as permitted by the Rules of Practice and Procedure before the Office of Administrative Law Judges,<sup>3</sup> and state that it comprises and includes confidential commercial information exempt from disclosure under the Freedom of Information Act.<sup>4</sup>

I have reviewed the settlement agreement, and find that it is fair, adequate and reasonable, and should be approved.

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<sup>1</sup> 42 USC §5851.

<sup>2</sup> 29 C.F.R. §24.111(d)(2).

<sup>3</sup> 29 C.F.R. § 18.56.

<sup>4</sup> See 5 U.S.C. § 552(b)(4); 29 C.F.R. § 70.26.

IT IS THEREFORE ORDERED,

1. The settlement agreement is APPROVED.
2. The settlement agreement shall be designated as confidential and filed under seal in accordance with the applicable regulations.
3. The Complainant's claim against Respondent under the ERA is DISMISSED WITH PREJUDICE.

**A**

Alice M. Craft  
Administrative Law Judge