

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 03 June 2015

CASE NO.: 2013-ERA-2

IN THE MATTER OF

MANSOUR SADRI

Complainant

v.

THE SHAW GROUP, INC.

Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT AND RELEASE
AND
ORDER DISMISSING COMPLAINT WITH PREJUDICE**

This proceeding arises from a complaint filed under the "whistleblower" protection provisions of the Energy Reorganization Act of 1974, U.S. Code, Title 42, § 5851 ("ERA"), and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 24 and Part 18. The claim was referred to the Office of Administrative Law Judges for formal hearing upon Complainant's December 27, 2012 appeal of the Occupational Safety and Health Administration November 30, 2012 determination denying the complaint.

On May 23, 2015 the Parties filed a "Joint Motion for Approval of Executed Settlement Agreement and Dismissal of Complainant's Claims with Prejudice." The supporting document to the Motion was the "Settlement Agreement" signed by counsel for Complainant and counsel for Respondent.

Implementing Federal regulations at 29 C.F.R. §24.111(d)(2) provides that "At any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be

settled if the participating parties agree to a settlement and the settlement is approved by the ALJ, if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement agreement must be filed with the Administrative Law Judge or the ARB, as the case may be." In reviewing the Settlement Agreement, the Administrative Law Judge must determine whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the ERA and are not against public policy. See Comments to Final Rule 29 C.F.R. Part 24, 76 Fed. Reg. 2808, 2817-1818 (Jan. 18, 2011); *Bunn v. Foley*, No. 89-ERA-5, 1989 WL 549902 (Secy, Sep. 29, 1989); *Fuchko and Yunker v. Georgia Power Co.*, Nos. 89-ERA-9, 89-ERA-10 @ 2 (Secy, Mar. 23, 1989). Once the settlement agreement is approved, it becomes the final action of the Secretary and may be enforced in the appropriate United States District Court pursuant to 29 CFR §24.111(e).

I have carefully reviewed the parties' settlement agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the terms of the agreement pertaining to Complainant's ERA Case.

Finally, the Agreement provides that the parties shall keep the terms of the settlement confidential.¹ I note that the parties' submissions, including the Agreement, become part of the record of the case and are subject to the Freedom of Information Act (FOIA), 5 U.S.C.A §552 (West 2007). FOIA requires Federal agencies to disclose requested records unless they are exempt from disclosure under the Act.² Department of Labor regulations provide specific procedures for responding to FOIA requests and for appeals by requestors from denials of such requests.³

¹ Paragraph 10.

² *Coffman v. Alyeska Pipeline Serv. Co. & Arctic Slope Inspection Serv.*, ARB No. 96-141, ALJ Nos. 1996-TSC-005-006.. slip op. @ 2 (ARB June 24, 1996).

³ 29 C.F.R. §70 *et seq.* 2007).

Accordingly, **IT IS ORDERED** the settlement agreement be **APPROVED** and the instant complaint be **DISMISSED** with prejudice.

ORDERED this 3rd day of June, 2015, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge