



**Issue Date: 28 January 2016**

CASE NO.: 2015-ERA-00009

*In the Matter of:*

**RODNEY BRUCE,**  
*Complainant,*

vs.

**AMS MECHANICAL SYSTEMS d/b/a  
PREFERRED METAL TECHNOLOGIES,**  
*Respondent.*

**ORDER APPROVING SETTLEMENT**

This is a claim arising under the whistleblower-protection provisions of the Energy Reorganization Act of 1974, 42 U.S.C. §5851, and its implementing regulations at 29 C.F.R. Part 24.

On January 12, 2016, the parties filed their Joint Motion to Approve Settlement Agreement with the court, together with a “Confidential Settlement Agreement and Release” executed by the parties.

Under 29 C.F.R. §24.111, subsection (d)(2),

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 must be filed with the administrative law judge or the ARB, as the case may be.

The Administrative Law Judge must determine whether the agreement fairly, adequately, and reasonably settles the Complainant’s allegations that the Respondent violated the ERA, and is 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, 2989); *Fuchko and Yunker v. Georgia Power Co.*, No.s 89-ERA-9, 89-ERA-10 at \*2 (Secy, Mar. 23, 1989). Approval of the settlement is the final action of the Secretary and may be enforced in United States District Court under 29 C.F.R. §24.111, subsection (e).

I find the Confidential Settlement and Release consistent with the standards required under the ERA. Accordingly,

1. The Confidential Settlement and Release is approved.
2. The administrative complaint in this matter is dismissed with prejudice.
3. The settlement agreement is confidential, and is to be handled consistently with the restricted-access provisions of 29 C.F.R. §18.85(b), Privileged, Sensitive, or Classified Material; the pre-disclosure notice requirements of 29 C.F.R. §70.26, and paragraph 5 of the Confidential Settlement and Release.

SO ORDERED.

CHRISTOPHER LARSEN  
Administrative Law Judge