



**Issue Date: 08 June 2020**

Case No.: 2019-ERA-00006

*In the Matter of:*

**FRANK BRIGHT**

Complainant

v.

**PSEG FOSSIL, LLC**

Respondent

**ORDER APPROVING SETTLEMENT, SEALING PART OF THE AGREEMENT,  
AND DISMISSING COMPLAINT**

This matter involves the complaint of Frank Bright (“Complainant”) against PSEG Fossil, LLC (“Respondent”) pursuant to the Energy Reorganization Act of 1974, 42 U.S.C. § 5851 (“ERA”), and the implementing regulations at 29 C.F.R. Part 24. A telephonic hearing is currently scheduled for June 9, 2020, before the Office of Administrative Law Judges (“OALJ”).

On June 4, 2020, Respondent submitted an executed settlement agreement for approval in accordance with 29 C.F.R. § 24.111(d)(2). Respondent reported that both parties consider this matter resolved and thus request that I dismiss this matter and cancel the hearing. Respondent also requested that the monetary amount of the settlement be sealed and submitted a version of the agreement with the monetary amount redacted.

The settlement agreement is titled “Voluntary Separation Agreement” and is signed by Complainant and by Respondent’s Senior Vice President of Human Resources. Complainant confirmed that he consents to dismissal of this matter upon my approval of the agreement. I have reviewed the agreement, and I find it is a fair and reasonable settlement of the ERA complaint.<sup>1</sup>

OALJ will place the unredacted Agreement in a sealed envelope within the public file. A copy of this Order will be affixed to this envelope. The redacted copy of the Agreement will be placed in the public file. Per 29 C.F.R. §18.85(b), I find that the information redacted from Paragraph 2 of the Agreement represents sensitive commercial or financial information and could result in a competitive disadvantage if disclosed, and the parties would otherwise hold this

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<sup>1</sup> The Agreement contains a broad release of liability for claims arising under various federal and state laws unrelated to the ERA. My authority is limited to the statutes within OALJ’s jurisdiction. Therefore, my review and approval of the agreement is limited to the terms of the agreement pertaining to Complainant’s ERA claim. See *Mann v. Schwan’s Food Co.*, ARB No. 09-017 (Dec. 31, 2008).

information private within the ordinary course of business. *See Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 915 (2019).<sup>2</sup>

I have reviewed the settlement agreement, and I find it is fair and reasonable. It is not contrary to the public interest, and it was not procured under duress. Accordingly, pursuant to 29 C.F.R. § 24.111(d)(2), I **APPROVE** the settlement agreement.

In light of my approval of the parties' settlement agreement, I **CANCEL** the hearing scheduled for June 9, 2020, and I **DISMISS** the complaint with prejudice.

**SO ORDERED.**<sup>3</sup>

**LAUREN C. BOUCHER**  
Administrative Law Judge

Cherry Hill, New Jersey

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<sup>2</sup> In the event that a request is made for access to the unredacted settlement agreement under the Freedom of Information Act ("FOIA"), the Department of Labor will provide the parties with pre-disclosure notification and an opportunity to respond before any disclosure is made. *See* 29 C.F.R. § 70.26. The parties are reminded that the pre-disclosure notice procedure does not constitute a finding that the settlement agreement, or any portion thereof, will be exempt from disclosure under FOIA. *See* 29 C.F.R. § 70.26(f).

<sup>3</sup> Because of the ongoing COVID-19 pandemic, the Office of Administrative Law Judges is not currently receiving or sending mail. Therefore, this order will be served on the parties via email.