

UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF ADMINISTRATIVE LAW JUDGES  
BOSTON, MASSACHUSETTS

Issue Date: 17 November 2020

CASE NO.: 2020-FDA-00002

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*In the Matter of:*

MELISSA TIEPELMAN,  
*Complainant,*

v.

INTERNATIONAL INGREDIENT CORPORATION,  
*Respondent.*

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**DECISION AND ORDER APPROVING SETTLEMENT, CANCELLING  
HEARING AND DISMISSING CLAIM**

This proceeding arises from a complaint of discrimination filed under Section 402 of the FDA Food Safety Modernization Act, (“FSMA” or “the Act”), codified at 21 U.S.C. § 399d. The formal hearing is scheduled for February 24, 2021.

On October 20, 2020, the parties submitted a Settlement Application (“Agreement”) for review and approval pursuant to 29 C.F.R. §§ 1979.111(c) & (d)(2). In reviewing the Agreement, the Court must determine whether the terms of the Agreement fairly, adequately and reasonably settle Complainant’s allegations that Respondent violated the Act. The Agreement complies with the standard required and is **APPROVED**, pursuant to 29 C.F.R. § 1980.111(d)(2).

With regard to confidentiality of the Agreement, the parties are advised that notwithstanding the confidential nature of the Agreement, all of their filings, including the Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C.A. § 552 *et seq.* The Administrative Review Board has noted that:

If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine *at the time a request is made* whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.

*Seater v. S. Cal. Edison Co.*, USDOL/OALJ Reporter (PDF), ARB No. 97-072, ALJ No. 1995-ERA-00013 at 2 (ARB March 27, 1997) (emphasis added). Should disclosure be requested, the parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

In reviewing the Agreement, the Court also notes that its authority over settlement agreements is limited to the statutes that are within the Court's jurisdiction as defined by the applicable statute. Therefore, only the terms of the Agreement pertaining to Melissa Tiepelman's current FDA case, 2020-FDA-00002, are approved. *Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-7 (ARB Jan. 31, 2011).

Accordingly, it is **ORDERED** that:

- (1) The Agreement is **APPROVED**;
- (2) The hearing scheduled for February 24, 2021, is **CANCELLED**;
- (3) The Agreement shall be designated as confidential, subject to the procedures requiring disclosure under FOIA; and
- (4) The Complaint of Melissa Tiepelman is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

**JERRY R. DeMAIO**  
Administrative Law Judge

Boston, Massachusetts