



Issue Date: 21 November 2013

CASE NO.: 2013-LCA-00028

In the Matter of:

HOOMAAN NAIMI,
Complainant,

vs.

YAHOO!, INC.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This claim arises under the Immigration and Nationality Act of 1952, 8 U.S.C. § 1101, *et seq.*, as amended by the Immigration and Nationality Act of 1990, P.L. 101-649, 104 Stat. 4978; the Miscellaneous Technical Immigration and Naturalization Amendments of 1991, P.L. 102-232, 105 Stat. 1733; and the American Competitiveness and Workforce Improvement Act of 1998, P.L. 105-277, 112 Stat. 2681. The parties have settled. The parties submitted a settlement proposal on November 12, 2013, entitled “Settlement Agreement” (“the Agreement”). *See* 29 C.F.R. 18.9(c)(2). I will find that the proposed settlement is generally proper, and I will approve it. But I will address two issues: confidentiality and the settlement of matters beyond the scope of the Act.

First, the Agreement’s title implies that it is confidential, and a provision limits Claimant’s disclosure of certain items. This Office, however, does not treat settlement agreements or the orders approving them confidentially. Our case files are generally public and subject to disclosure under the Freedom of Information Act. Respondent claims that the confidential business information FOIA exemption applies. *See* 29 C.F.R. § 70.26(b). The Department of Labor will follow appropriate pre-disclosure notification procedures to address that assertion.¹ Beyond that, nothing about the parties’ characterization of their Agreement changes the public nature of files at this Office.

¹ *See Seater v. Southern California Edison Co.*, 1995-ERA-13 (ARB March 27, 1997) (“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.”)

Second, some language in the Agreement purports to settle claims beyond the scope of the Act. I limit my review to the Immigration and Nationality Act claim only; anything beyond that exceeds this Office's jurisdiction.

That said, I find the proposed settlement agreement fair and reasonable as to the claim under the Immigration and Nationality Act. It adequately protects Mr. Naimi, and none of the terms is against public interest. The proposed settlement therefore is APPROVED, and the parties are ORDERED to comply with its terms.

SO ORDERED.

STEVEN B. BERLIN
Administrative Law Judge