



Issue Date: 18 April 2018

Case No.: 2017-NTS-00005

DONNA COMP-PENWARDEN

Complainant,

vs.

NIPPON SHARYO MANUFACTURING, LLC,

Respondent.

ORDER APPROVING SETTLEMENT AGREEMENT AND DISMISSING COMPLAINT

This matter arises out of a complaint filed pursuant to the employee protection provisions of the National Transit Systems Security Act of 2007 (NTSSA or the "Act"), 6 U.S.C. § 1142. Applicable regulations are set forth at 29 C.F.R. Part 1982. Formal hearing is set for July 10, 2018, in Chicago, Illinois. On April 5, 2018, counsel for Complainant filed an executed Settlement and Release Agreement [hereinafter "the Agreement"] for my approval. I have reviewed the Agreement and I find that the Parties have entered into it knowingly and voluntarily. Moreover, I conclude that its provisions are fair, adequate, and not contrary to public interest. Further public discussion of the provisions of the Agreement is not appropriate in that the Parties have requested that the terms of the Agreement be kept confidential.¹ Accordingly, settlement as set forth in the Agreement is hereby **APPROVED**, and the Parties are **DIRECTED** to carry out the terms of the Agreement. In light of the Agreement, the complaint in this matter is hereby **DISMISSED WITH PREJUDICE**.

¹ The Parties may request that information be treated as confidential commercial information where, as here, they are required to submit information involuntarily. 29 C.F.R. § 70.26(b). Notwithstanding the Agreement, however, the submissions, including the terms of the Agreement, become part of the record of the case and may be subject to disclosure under the Freedom of Information Act, 5 U.S.C. section 552, et seq. (FOIA). FOIA requires federal agencies to disclose requested documents unless they are exempt from disclosure. The records in this case are agency records may be made available for public inspection and copying under FOIA. Still, where, as here, the parties have requested confidentiality, the Department of Labor must take steps to preserve the confidentiality of that information and provide the parties with pre-disclosure notification if a FOIA request is received seeking release of that information. Before any information in this file is disclosed pursuant to a FOIA request, the Department of Labor must permit the Parties to file any objections to disclosure. See *id.* § 70.26.

SO ORDERED.

WILLIAM T. BARTO
Administrative Law Judge

Washington, DC