



Issue Date: 27 January 2020

CASE NO.: 2019-PSI-00002

In the Matter of:

NIKOLSON LACOUR,
Complainant,

v.

APACHE CORPORATION AND PROTEK PARTNERS, LLC,
Respondents.

ORDER APPROVING SETTLEMENT

On January 23, 2020, the parties in the above-captioned matter submitted an executed settlement agreement for review and approval. Upon review, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the Pipeline Safety Improvement Act (PSIA). My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under the PSIA. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

In addition, paragraph 7 of the Settlement and Release Agreement states that “[t]he laws of the State of Texas and the United States, as applicable, shall govern the interpretation, validity, and effect of this Agreement...” I construe that paragraph not to limit the authority of the Secretary of Labor or any Federal court, which shall be governed in all respects by the laws and regulations of the United States.¹

¹ *Phillips v. Citizens' Ass'n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec'y Nov. 4, 1991).

Accordingly, with the construction noted above and limiting my approval to the claim brought under the PSIA, IT IS ORDERED:

1. The Settlement and Release Agreement is APPROVED;
2. This matter is DISMISSED WITH PREJUDICE; and
3. The hearing scheduled for April 2, 2020 is CANCELED.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge

PCJ/ksw
Newport News, Virginia