



Issue Date: 02 May 2014

CASE NO.: 2014-SOX-5

IN THE MATTER OF

JAMES ZENGIERSKI

Complainant

v.

GAVILON/CONAGRA

Respondent

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING CLAIM**

This proceeding arises from a complaint filed by James Zengierski against Gavilon/Conagra, alleging violations of Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, 18 U.S.C. §1514A (herein SOX).

The parties have submitted a Settlement Agreement And Release of the Claims for approval that resolves the Complainant's SOX action and dismisses his complaint with prejudice. To the extent the Settlement Agreement contains provisions that may relate to actions by Complainant or Respondent under any other statutes, the instant order makes no determination regarding the propriety of such provisions. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the terms of the agreement pertaining to Complainant's SOX case.

Having carefully reviewed the Settlement Agreement with regard to the Complainant's Complaint under SOX, I make the following findings:

1. The Settlement Agreement appears to be fair and reasonable on its face and to effectuate the purposes and policies of SOX;

2. The Complainant is deemed to have waived any further proceedings before the U.S. Department of Labor regarding the matters which are the subject of the Settlement Agreement;

3. The instant Order shall have the same force and effect as one made after a full hearing on the merits; and

4. Finally, the Agreement provides that the Complainant shall keep the terms of the settlement confidential.¹ I note that the parties' submissions, including the Agreement, become part of the record of the case and are subject to the Freedom of Information Act (FOIA), 5 U.S.C.A. §552 (West 2007). FOIA requires Federal agencies to disclose requested records unless they are exempt from disclosure under the Act.² Department of Labor regulations provide specific procedures for responding to FOIA requests and for appeals by requestors from denials of such requests.³

Based on the foregoing, and in accordance with the terms of the Settlement Agreement,

IT IS HEREBY ORDERED that:

1. The Settlement Agreement as limited is **APPROVED**.

¹ Confidentiality, paragraph 4.

² *Coffman v. Alyeska Pipeline Serv. Co. & Arctic Slope Inspection Serv.*, ARB No. 96-141, ALJ Nos. 1996-TSC-005-006..slip op @ 2 (ARB June 24, 1996).

³ 29 C.F.R. §70 *et seq.* 2007.

2. The underlying SOX complaint is dismissed with prejudice.

ORDERED this 2nd day of May, 2014, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge