

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

Issue Date: 04 May 2017

ALJ NO.: 2014-SPA-00002

In the Matter of:

MAURICE WELSH,
Complainant,

v.

APL MARINE,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This proceeding arises under the whistleblower protection provisions of the Seaman's Protection Act ("SPA"), 46 U.S.C. § 2114(a), as amended by Section 611 of the Coast Guard Authorization Act of 2010, Public Law 111-281, and as implemented by 29 C.F.R. § 1986. On May 15, 2014, the Regional Administrator for the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"), acting as agent for the Secretary of Labor ("Secretary"), issued a preliminary order finding, *inter alia*, that the Respondent does not appear to be owned by a U.S. Citizen and therefore Complainant is not covered under the SPA. On June 18, 2014, the Complainant filed an Objection to the Secretary's preliminary order via facsimile, and requested that the case be assigned to an administrative law judge ("ALJ") for hearing. Trial was scheduled and postponed on several occasions due to changes in the law and the ongoing negotiations by the parties. Ultimately, the parties reached a full and final settlement of all disputes, and on April 27, 2017, they filed a Joint Motion for Dismissal with Prejudice, attaching their fully executed settlement agreement to the motion.

In order to approve a settlement, I must find that the settlement terms constitute a fair, adequate, and reasonable settlement of the complaint. *See* 29 C.F.R. §1986.111(d)(2). Upon reviewing the settlement agreement, I note that the general release encompasses claims for relief that extend beyond the SPA. My authority over settlement agreements is limited to statutes that fall within my jurisdiction and is defined by the SPA. As such, this approval only relates to the claims falling within the purview of the SPA. Upon consideration of the settlement agreement, I find that it

is a fair, reasonable and adequate settlement of the allegations contained in the complaint and it is APPROVED. Accordingly it is ORDERED that:

- (1) The parties' settlement is APPROVED;
- (2) The Joint Motion for Dismissal with Prejudice is GRANTED;
- (3) The complaint of Maurice Welsh in the above-captioned case is DISMISSED WITH PREJUDICE; and
- (4) This order shall constitute the final order of the Secretary. 29 C.F.R. §1986.111(e).

SO ORDERED.

JONATHAN C. CALIANOS
Administrative Law Judge

Boston, Massachusetts