

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 04 August 2009

Case No. 2009-WPC-1

In the Matter of:

MATTHEW CANTRELL,

Complainant,

v.

M-TEK, INC.,

Respondent.

**ORDER APPROVING UNOPPOSED MOTION TO APPROVE SETTLEMENT
AND DISMISS PROCEEDING WITH PREJUDICE**

This proceeding arises under the employee protection provisions contained in the Federal Water Pollution Control Act, 33 U.S.C. § 1367 and the Safe Drinking Water Act, 42 U.S.C. § 300j-9. The implementing regulations for the Acts are contained in 29 C.F.R. Parts 18 and 24. On July 27, 2009, Complainant submitted an Unopposed Motion to Approve Settlement and Dismiss Proceeding With Prejudice.

The Administrative Law Judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately, and reasonably settle the complainant's allegations that the respondent violated the aforementioned Acts.

Pursuant to the requirements of the Acts and the implementing regulations, I have carefully reviewed the terms of the parties' Confidential Settlement Agreement & Release of Claims, and I find that it constitutes a fair, adequate, and reasonable settlement of the complaint.¹

¹ The parties' agreement includes the waiver of claims that are not within the jurisdiction of this Court. Therefore, the approval of the settlement does not in any way relate to or comment upon the validity of the waivers contained within the settlement agreement that are outside of this Court's scope of review.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The parties' Confidential Settlement Agreement & Release of Claims is hereby **APPROVED**.
2. The above-captioned complaint is hereby **DISMISSED WITH PREJUDICE**.

A

LARRY S. MERCK
Administrative Law Judge

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

If the Board exercises its discretion to review this Decision and Order, it will specify the terms under which any briefs are to be filed. If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the

final order of the Secretary of Labor. See 29 C.F.R. §§ 24.109(e) and 24.110, found at 72 Fed. Reg. 44956-44968 (Aug. 10, 2007).