

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

Issue Date: 18 May 2017

ALJ NO.: 2017-WPC-00004

In the Matter of:

KENNETH M. KANSKY,
Complainant

v.

INDEPENDENCE BIODIESEL, LLC.,
Respondent.

ORDER OF DISMISSAL

This proceeding arises from a complaint of discrimination filed under the employee protection provisions of Section 507 of the Federal Water Pollution Control Act (“FWPCA”), 33 U.S.C. § 1367, and the procedural regulations found at 29 C.F.R. Part 24 (2013).

On May 8, 2017, the parties filed a Joint Motion to Dismiss, signed by all parties. The Joint Motion states that the parties have reached a global settlement of all matters in dispute. Parties therefore request that the Complainant’s claim be dismissed and that the November 18, 2016 findings of the Secretary be the Final Order of the Secretary.

Based on the foregoing, the parties’ Joint Motion to Dismiss is hereby GRANTED. The claim is **DISMISSED** with prejudice and the Secretary’s Findings, issued on November 18, 2016, shall be the Final Order of the Secretary. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii); *see also* 29 C.F.R. § 24.111.¹

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts

¹ I note that for claims arising under the FWPCA, settlement agreements do not need to be approved by an ALJ. *See* 29 C.F.R. § 24.111; *Sayre v. Alyeska Pipeline Service Co.*, ARB Nos. 99-091/99-092, ALJ No. 1997-TSC-00006, slip op. at 2, n.1 (ARB Sept. 30, 1999); *Biddle v. U.S. Dept. of the Army*, 1993-WPC-00015 (Sec’y Mar. 24, 1995) (*adopting Biddle v. United States Dept. of the Army*, 93-WPC-15 (ALJ May 6, 1994)).