

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 01 December 2017

CASE NO.: 2017-WPC-00006
OSHA NO.: 4-1760-14-081

In the Matter of:

MARK MAYHEW,
Complainant,

v.

TOWN OF SMYRNA, TENNESSEE,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT,
DISMISSING COMPLAINT WITH PREJUDICE, AND CANCELLING HEARING

This matter arises under the whistleblower protection provisions of the Federal Water Pollution Control Act ("Act"), 33 U.S.C. § 1367. On July 20, 2017, I issued a Pre-Hearing Order setting the matter for formal hearing in Nashville, Tennessee commencing on November 15, 2017. On November 7, 2017, I issued an order rescheduling the hearing to February 6, 2018.

On November 20, 2017, I received a Joint Motion to Approve Settlement. The Settlement calls for a lump-sum payment to be made by Respondent to Complainant, and also requires Respondent to pay attorney fees to Complainant's counsel. The Settlement agreement contemplates the dismissal of Complainant's complaint. All parties are represented by counsel.

Pursuant to 29 C.F.R. § 24.111(d)(2), I have reviewed the Settlement Agreement to determine whether the terms of the settlement provide a fair, adequate and reasonable settlement of the Complainant's allegations that the Respondent violated the Act.

I find the terms of the Settlement to be fair, adequate, reasonable, and are not contrary to public policy. The terms of the settlement are therefore **APPROVED**. Upon my approval, the parties shall implement the terms of the Settlement Agreement. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits, and it thereby becomes the final order of the Secretary and may be enforced pursuant to 29 C.F.R. § 24.113.

IT IS FURTHER ORDERED that the complaint filed in this matter is **DISMISSED WITH PREJUDICE**, and that the hearing scheduled for February 6, 2018, in Nashville, Tennessee, is **CANCELLED**.

SO ORDERED.

CARRIE BLAND
Administrative Law Judge

Washington, D.C.