ORDER APPROVING JOINT MOTION TO DISMISS
AND SETTLEMENT AGREEMENT

A Department of Labor Administrative Law Judge (ALJ) issued a recommended decision in this case arising under the employee protection provisions of seven environmental statutes, finding in favor of the Complainants (Dennis McQuade, Commie R. Byrum, Virginia Johnson, and Kenneth Warden) on most issues and against Respondent Oak Ridge Operations Office, U.S. Department of Energy.

In the Matter of:

DENNIS MCQUADE, COMMIE R. BYRUM,  ARB CASE NOS. 01-093
VIRGINIA JOHNSON, and KENNETH WARDEN, 01-094
COMPLAINANTS,

v.

OAK RIDGE OPERATIONS OFFICE,
U.S. DEPARTMENT OF ENERGY,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainants:
Loring E. Justice, Esq., Whelchel, May & Associates, Knoxville, Tennessee

For the Respondent:
Ivan Boatner, Esq., U.S. Department of Energy, Oak Ridge, Tennessee

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This appeal has been assigned to a panel of two Board members, as authorized by Secretary’s Order 2-96. 61 Fed. Reg. 19,978 §5 (May 3, 1996).


Complainants and Respondent subsequently entered into a Settlement Agreement intended to resolve the case and filed a Joint Motion to Dismiss and for Approval of Settlement Agreement with the Board. Shortly thereafter, the parties filed a Joint Stipulation amending the settlement agreement “in an effort to make the settlement conform to existing law . . .” Joint Stipulation of the Parties at 1.

We find the agreement, as amended, to be a fair, adequate and reasonable settlement of the complaint. Accordingly, we **APPROVE** the agreement and **DISMISS** the appeals.

**SO ORDERED.**

PAUL GREENBERG  
Chair

CYNTHIA L. ATTWOOD  
Member