In the Matter of:

JOHN J. BELIVEAU, JR., ARB CASE NOS. 00-073
v. 01-017
COMPLAINANT, 01-0019

v. ALJ CASE NOS. 97-SDW-1
NAVAL UNDERSEA WARFARE CENTER, 97-SDW-4
RESPONDENT. 97-SDW-6

DATE: November 30, 2000

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:
For the Complainant:
Sarah L. Levitt, Esq., Project on Liberty & the Workplace; Richard E. Condit, Esq., Washington, D.C.

For the Respondent:

FINAL ORDER APPROVING SETTLEMENT AND DISMISSING APPEALS

These cases arose when Complainant John J Beliveau, Jr. filed complaints alleging that his employer Respondent Naval Undersea Warfare Center (NUWC) violated the whistleblower protection provisions of a number of environmental statutes. Both parties appealed the Administrative Law Judge’s Recommended Decision and Order in Beliveau v. Naval Undersea


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The WPCA, SWDA, and CERCLA do not require the Secretary's approval of a settlement.

The TSCA, the SDWA and the CAA require the Secretary of Labor to enter into or otherwise approve a settlement. See 15 U.S.C. §2622(b)(2)(A) (TSCA); 42 U.S.C. §300j-9i(2)(B)(i) (SDWA); 42 U.S.C. §7622(b)(2)(A) (CAA). The Secretary, in turn, has delegated to this Board her authority to approve settlements of cases that are pending before the Board at the time the parties enter into the settlement. Secretary's Order 2-96, 61 Fed. Reg. 19978 (May 3, 1996); 29 C.F.R. §24.8 (2000).

Review of the Settlement Agreement reveals that it apparently is intended to settle an “EEO complaint filed in 1997.” Settlement Agreement at page 2; ¶ 6(a). Our authority to review settlement agreements is limited to the statutes within our jurisdiction and is defined by the applicable statutes. Pawlowski v. Hewlett-Packard Co., ALJ Case No. 97-TSC-3; ARB Case No. 99-089, slip op. at 2 (May 5, 2000). Therefore, we have restricted our review of the Agreement, as amended, to ascertaining whether its terms fairly, adequately and reasonably settle the environmental whistleblower cases over which we have jurisdiction. Id. Upon such review, we find that the agreement is fair, adequate and reasonable. Accordingly, we APPROVE the
Settlement Agreement, as amended, and DISMISS the parties’ appeals pending in this matter before the Board.

SO ORDERED.

PAUL GREENBERG
Chair

E. COOPER BROWN
Member

CYNTHIA L. ATTWOOD
Member