



Issue Date: 14 February 2018

CASE NO.: 2016-CAA-00004

In the Matter of:

THERESA ELY,
Complainant,

v.

DEARBORN HEIGHTS,
Employer.

**DECISION AND ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING COMPLAINT**

This proceeding arises from a complaint of discrimination under the whistleblower provisions of Section 322 of the Clean Air Act (“CAA”), 42 U.S.C. § 7622, and the regulations thereunder at 29 C.F.R. Part 24. In addition, the rules of practice and procedure and the rules of evidence for administrative hearings before the Office of Administrative Law Judges, 29 C.F.R. Part 18, apply to this matter.

On June 29, 2016, the Regional Administrator for the U.S. Department of Occupational Safety and Health (“OSHA”), acting as agent for the Secretary of Labor (“Secretary”), issued findings concluding that there was reasonable cause to believe that the Respondent violated the CAA. On August 2, 2016, the Respondent filed objections to the Secretary’s findings and requested a hearing.

On February 8, 2018, the parties submitted an executed Settlement Agreement for my review and approval. After consideration of the terms and conditions of the Settlement Agreement, I find that the Settlement Agreement does not contain any provisions that are contrary to law or against public policy. Both the Complainant and the Respondent have been ably represented by counsel, and I find it reasonable to presume that the terms of the Settlement Agreement adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement Agreement as a basis for administrative disposition of this case. Accordingly, based on the record as a whole and upon review of the Settlement Agreement, I find that the terms of the Settlement Agreement are fair, adequate, and reasonable, and it is hereby **APPROVED** pursuant to 29 C.F.R. § 24.111(d)(2). 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**.

SO ORDERED.

CARRIE BLAND
Administrative Law Judge

Washington, D.C.