



Issue Date: 12 October 2018

Case No.: 2017-TSC-00001

In the Matter of:

CYNTHIA GIFFORD

Complainant

v.

BAKER HUGHES

Respondent

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

1. Nature of Request. This proceeding arises under the employee protection provisions of the Toxic Substances Control Act of 1976 (“TSC”), 42 U.S.C. § 2622. The Act includes a whistleblower protection provision with a Department of Labor complaint procedure. Pursuant to 29 C.F.R. § 24.111, the parties submitted a proposed settlement agreement for the undersigned’s approval.

2. Procedural History, Findings of Fact, and Legal Conclusions.

a. Complainant filed a complaint on with the Occupational Safety and Health Administration (OSHA) alleging Respondent committed discrimination prohibited by the TSC. Respondent filed a response to the complaint in which it denied liability. The undersigned issued a Notice of Case Assignment and Prehearing Order on March 31, 2017. By letter dated August 3, 2018, the parties informed the undersigned that the parties had settled the claim.

b. On October 9, 2018, the parties filed a “Settlement and Release Agreement” for the undersigned’s approval.¹ The Settlement and Release Agreement was signed in counterpart by each of the parties.

c. Having been advised of the settlement terms and having reviewed the Settlement and

¹ At any time after the filing of objections to the Assistant Secretary’s findings and preliminary order, the case may be settled, and, if the case is before an administrative law judge, the settlement is contingent upon the approval of the administrative law judge. 29 C.F.R. § 24.111. Any settlement approved by the administrative law judge becomes the final order of the Secretary. 29 C.F.R. § 24.111(e).

Release Agreement, noting that the parties are represented by counsel, the undersigned finds the terms to be fair, adequate, reasonable, and not contrary to public policy.

3. Ruling and Order.

a. The Settlement and Release Agreement is APPROVED and may be enforced pursuant to 29 C.F.R. § 24.113. The parties shall implement the terms as stated in the Settlement and Release Agreement, to the extent not otherwise accomplished. This Order shall have the same force and effect as one made after a full hearing on the merits.

b. This claim is DISMISSED with prejudice.

SO ORDERED this day 12th day of October, 2018, at Covington, Louisiana.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE