In the Matter of:

EARL VANDORN KEENE,	**ARB CASE NO. 97-089**
COMPLAINANT,	**ALJ CASE NO. 95-ERA-4**
v.	**DATE: July 23, 1997**

**EBASCO CONSTRUCTORS, INC.,
a/k/a RAYTHEON CONSTRUCTORS,
k/n/a RAYTHEON ENGINEERS AND
CONSTRUCTORS, INC.,**

 RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL ORDER APPROVING SETTLEMENT AND DISMISSING COMPLAINT

This case arises under the Energy Reorganization Act of 1974, as amended, 42 U.S.C. §5851 (1988 and Supp. V 1993) (ERA). On May 6, 1997 the parties submitted a settlement agreement to the Board requesting approval of the settlement and dismissal of the complaint.

The request for approval is based on an agreement entered into by the parties, therefore, we must review it to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 29 C.F.R. §24.6. *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U.S. Dep't of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2.

The Board requires that all parties requesting settlement approval of cases arising under the ERA provide the settlement documentation for any other alleged claims arising from the same factual circumstances forming the basis of the federal claim, or to certify that no other such settlement agreements were entered into between the parties. *Biddy v. Alyeska Pipeline Service Company*, ARB Case Nos. 96-109, 97-015, Final Order Approving Settlement and Dismissing Complaint, Dec. 3, 1996, slip op. at 3. Accordingly, the parties have certified that the agreement constitutes the entire and only settlement agreement with respect to the Complainant's claims.

We find that the agreement, as so construed, is a fair, adequate, and reasonable settlement of the complaint. Accordingly, we **APPROVE** the agreement and **DISMISS THE COMPLAINT WITH PREJUDICE**.

SO ORDERED.

DAVID A. O'BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member