



In the Matter of:

MITCHELL NORRIS,

ARB CASE-NO. 97-096

COMPLAINANT,

(ALJ CASE NO. 97-CAA-1)

v.

DATE: JUL 28 1997

ETHOX CHEMICALS

and

DUNHILL TEMPS,

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER

This case arises under the Clean Air Act (CAA), 42 U.S.C. §7622 (1988). On June 24, 1997, counsel for Complainant notified the Board that the parties had settled the dispute. However, to date, neither party has provided a copy of the settlement agreement to the Board.

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 CAA 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.

Further, the Board must know the amount Complainant's attorney will receive in order to determine if the settlement agreement is fair, adequate and reasonable. This amount affects not only the Complainant's individual interest, but impacts on the public interest as well, because if

the amount is not fair, adequate and reasonable, other employees may be discouraged from reporting safety violations. *See Plumlee v. Alyeska Pipeline Service Co.*, 92-TSC-7, Sec. Dec. and Order, Aug. 6, 1993, slip op. at 5; *Biddy v. Alyeska Pipeline Service Company*, ARB Case Nos. 96-109, 97-015, Order, May 31, 1996, slip op. at 1-2.

The parties are required to file a joint response to this Order within ten (15) days. If the parties cannot agree upon a joint response, Complainant's counsel is to submit the required information within ten (15) days from the issuance of this Order. Respondents may submit a response within fifteen (25) days of the issuance of this Order.

Docket entries (an original and four copies) for this matter shall be filed by directing submissions to the attention of the undersigned at:

Administrative Review Board
United States Department of Labor
200 Constitution Avenue, N.W.
Room S-4309
Washington, D.C. 20210

FOR THE ADMINISTRATIVE REVIEW BOARD:

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Executive Director
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