



Issue Date: 01 August 2005

Case No.: 2003-ERA-00026

In the Matter of:

ROBERT J. JOHNSON
Claimant

v.

BURNS & MCDONNELL
Respondent

ORDER RECOMMENDING SETTLEMENT AND DISMISSAL OF CASE

This case involves a complaint filed by Robert L. Johnson against Burns & McDonnell, alleging violations of Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. § 5851, in which he alleged violations, discrimination and wrongful termination of employment by the Respondent, Burns & McDonnell. After issuance of the findings of the Regional Supervisory Investigator of the Occupational Safety and Health Administration, Kansas City, Missouri, the Complainant filed a notice of appeal and requested a formal hearing. A hearing was scheduled to commence on September 14, 2005, at St. Louis, Missouri before the undersigned Administrative Law Judge.

The Respondent on July 22, 2005 filed its Motion to Approve Settlement and Release Agreement. The Release Agreement is signed on June 1, 2005 by Robert L. Johnson, pro se Complainant, and on June 6, 2005 by Gerard Bukowski, a representative of Respondent, Burns & McDonnell. The Release Agreement provides for complete settlement of all disputes between the parties and payment of an amount to Complainant which the parties wish to remain confidential. After review of the Release Agreement and the filings in this case, I find the agreement to be reasonable and recommend approval.

Therefore, it is recommended that the following Order be entered by the Secretary of Labor:

It is hereby ORDERED that the Release Agreement, dated June 6, 2005, between Robert L. Johnson, Complainant, and Burns & McDonnell, Respondent, is approved and the Complaint is DISMISSED WITH PREJUDICE, and it is further

ORDERED that the hearing scheduled to commence on September 14, 2005 is CANCELLED.

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JOSEPH E. KANE
Administrative Law Judge

NOTICE: This Recommended Decision and Order will automatically become the final order of the Secretary unless, pursuant to 29 C.F.R. § 24.8, a petition for review is timely filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210. Such petition for review must be received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and shall be served on all parties and on the Chief Administrative Law Judge. *See* 29 C.F.R. §§ 24.7(d) and 24.8.