



**Issue Date: 01 March 2007**

CASE NO.: **2005-SDW-00003**

In the Matter of

**KENNETH M. THORP,**  
Complainant,

v.

**CITY OF PICKENS, SOUTH CAROLINA,**  
Respondent.

**RECOMMENDED DECISION AND ORDER**  
**DISMISSING THE COMPLAINT**

This matter arises under the employee protection provisions of the Safe Drinking Water Act of 1974, 42 USC § 300j-9(i); and the Secretary of Labor's implementing regulations at 29 CFR Part 24 (2005).

The Respondent was involved in another case, 2005SDW00001, and this case was heard and decided by another Administrative Law Judge. At that time, there was discussion which indicated that the Thorp case could be settled.

In 2006, the current parties informed the undersigned that the Thorp matter had been settled. The parties agreed to provide documents but these have NOT been furnished.

In January 2007, the undersigned asked the parties for a status report.

Complainant's counsel responded and stated:

The parties resolved this matter some time ago. I closed this file and sent it off-site some time ago. I understand that while Mr. Thompson moved offices, he was the one who drafted all the settlement documents and should have copies. Plus, I can assure you that while I was paid zero on this case, Mr. Thompson was not. By this letter, I will ask Mr. Thompson to see if he can locate the documents.

Respondent's counsel stated:

It was settled some time ago. Unfortunately, we recently moved offices and I have not been able to find my files (which had been placed in storage). Perhaps Mr. Sneed can provide you his copy of the settlement document. If a stipulation of dismissal is necessary, I believe the claimant needs to file that.

It is apparent that this case has been resolved. It is also obvious that the parties are unable to provide a copy of the settlement agreement. As both parties have indicated that outstanding issues have been resolved, this matter is **DISMISSED**.

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RICHARD K. MALAMPHY  
Administrative Law Judge

RKM/jcb  
Newport News, Virginia

**NOTICE OF APPEAL RIGHTS:** To appeal, you must file a Petition for Review ("Petition") that is received by the Administrative Review Board ("Board") within ten (10) business days of the date of issuance of the administrative law judge's Recommended Decision and Order. The Board's address is: Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington, DC 20210. Once an appeal is filed, all inquiries and correspondence should be directed to the Board.

At the time you file your Petition with the Board, you must serve it on all parties to the case as well as the Chief Administrative Law Judge, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001. *See* 29 C.F.R. § 24.8(a). You must also serve copies of the Petition and briefs on the Assistant Secretary, Occupational Safety and Health Administration and the Associate Solicitor, Division of Fair Labor Standards, U.S. Department of Labor, Washington, DC 20210.

If no Petition is timely filed, the administrative law judge's recommended decision becomes the final order of the Secretary of Labor. *See* 29 C.F.R. § 24.7(d).