



Issue Date: 13 July 2006

Case No.: **2006-SDW-00004**

In the matter of:

THOMAS E. DUKES,
Complainant,

v.

A. E. DRILLING SERVICES,
Respondent.

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This proceeding arises from a complaint filed against A. E. Drilling Services alleging violations of the Safe Drinking Water Act of 1974, Public Law 93-523, Section 1450(i)(1)(A-C), 42 U.S.C. § 330j-9(i).

On June 30, 2006, the parties submitted to the undersigned a Settlement Agreement for approval, duly executed by all parties to this litigation, attached hereto and made a part hereof. I have reviewed the agreement and I enter the following findings:

1. The agreement appears to be fair and reasonable on its face and it further appears that it effectuates the purposes and policies of the statute under which it arises.
2. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits.
3. The entire record on which this Decision and Order is based consists solely of the Complaint and the Settlement agreement before the parties.
4. The parties are hereby deemed to waive any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their agreement.

Based on the foregoing and in accordance with the agreement of the parties, IT IS ORDERED that:

1. The Settlement Agreement be, and it hereby is, APPROVED;
2. The Complaint in this matter be, and it hereby is, DISMISSED, with prejudice.

A

LARRY W. PRICE
Administrative Law Judge

LWP/ccb
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).