

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 17 January 2006

CASE NO.: 2005-SWD-1

IN THE MATTER OF

MARILYN STILL,
Complainant

v.

CITY OF EUREKA SPRINGS, ARKANSAS,
Respondent

and

TRACY CONSULTING ENGINEERS, INC., and RONALD G. TRACY (PRESIDENT),
Respondent

ORDER APPROVING JOINT MOTION FOR DISMISSAL WITH PREJUDICE

This proceeding arises because of whistleblower complaints filed by Complainant against Respondent under 29 C.F.R. These laws, listed at 29 C.F.R. 24.1(a), include Toxic Substances Control Act, (TSC), 15 U.S.C. 2622; Water Pollution Control Act, (WPC), 33 U.S.C. 1367; Safe Drinking Water Act, (SDW), 42 U.S.C. 300j-9(i); Solid Waste Disposal Act,(SWDA) 42 U.S.C. 6971; and the Energy Reorganization Act of 1974, (ERA) 42 U.S.C. 5851. Complainant contends that respondent discharged her during or about June 18, 2004 in violations of these Acts.

I have carefully reviewed the parties' settlement agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest.

Accordingly, **IT IS ORDERED** that the Joint Motion for Dismissal with prejudice is hereby approved and the proceeding in this matter is **DISMISSED** with prejudice.

A

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE

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 Ave., NW, Washington, 20210. Once an appeal is filed, all inquires 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).