



In the Matter of:

SABRA WILLBANKS,

ARB CASE NO. 16-003

COMPLAINANT,

ALJ CASE NO. 2014-AIR-010

v.

DATE: October 14, 2015

**ATLAS AIR WORLDWIDE HOLDINGS,
INC.,**

and

**FLIGHT SERVICES INTERNATIONAL,
LLC,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For Respondent Flight Services International, LLC:

Jeffrey C. Londa, Esq.; Aimee B. Parsons, Esq.; Ogletree, Deakins, Nash, Smoak & Stewart, P.C.; Houston, Texas

For the Assistant Secretary of Labor for Occupational Safety and Health as Amicus Curiae:

M. Patricia Smith, Esq.; Jennifer S. Brand, Esq.; Megan E. Guenther, Esq.; U.S. Department of Labor, Washington, District of Columbia

Before: E. Cooper Brown, Deputy Chief Administrative Appeals Judge; and Joanne Royce, Administrative Appeals Judge; Paul M. Igasaki, Chief Administrative Appeals Judge.

ORDER OF REMAND

On March 18, 2015, the Administrative Review Board (Board) issued an interlocutory ruling in this case arising under the whistleblower protection provisions of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C.A. § 42121 (Thomson/West 2007)(AIR 21 or Act), and its implementing regulations, 29 C.F.R. Part 1979 (2014). Respondent Flight Services International, LLC (FSI) appealed our ruling to the United States Court of Appeals for the Fifth Circuit. The Office of the Solicitor represented the Board in the proceedings before the Fifth Circuit.

On September 16, 2015, FSI filed an “Agreed Motion for Dismissal and Remand” (Motion for Dismissal) with the Fifth Circuit. The Motion for Dismissal requested remand of the case to the Office of Administrative Law Judges because FSI and Complainant Sabra Willbanks entered into a Settlement Agreement and agreed to dismissal of the case. On September 23, 2015, the Fifth Circuit granted the Motion for Dismissal and remanded the case to the Board.

On September 28, 2015, the Office of the Solicitor filed an unopposed “Motion for Remand to the Office of Administrative Law Judges for Approval of Settlement Agreement” (Motion for Remand) with the Board. The Motion for Remand states that the Office of the Solicitor has consulted with counsel for both FSI and Willbanks, and counsel for both parties have agreed to the requested remand. Accordingly, consistent with the Fifth Circuit’s order of remand, the ARB **REMANDS** this case to the Office of Administrative Law Judges.

SO ORDERED.

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

JOANNE ROYCE
Administrative Appeals Judge

PAUL M. IGASAKI
Chief Administrative Appeals Judge