



In the Matter of:

JOHNNY F. NEAL,

ARB CASE NOS. 08-092

COMPLAINANT,

ALJ CASE NO. 2006-ERA-003

v.

DATE: March 31, 2010

**ENTERGY NUCLEAR OPERATIONS,
INC.,**

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Respondent:

**Douglas E. Levanway, *Wise Carter Child & Caraway, P.A.* Jackson,
Mississippi**

ORDER OF REMAND FOR SETTLEMENT

This case is pending before the Administrative Review Board upon appeal from an Administrative Law Judge's Recommended Decision and Order¹ under the Energy Reorganization Act (ERA).² On March 29, 2010, the parties filed a Joint Motion to Remand for Approval of Settlement.

¹ *Neal v. Entergy Nuclear Operations, Inc.*, No. 2006-ERA-003 (May 9, 2008).

² 42 U.S.C.A. § 5851 (West 2003).

In the Joint Motion, the parties request the Board to issue an order remanding this case to the Honorable Colleen Geraghty and consolidating this matter with Case No. 2010-ERA-001, presently before the Honorable Jonathan C. Calianos, for his approval of a settlement of all claims between the Complainant, Johnny Neal, and the Respondent, Entergy Nuclear Operations, Inc. (ENO). In the alternative, the parties request that we remand this matter directly to Judge Calianos for approval of a settlement of all matters between Neal and ENO.

In support of the Joint Motion the parties aver that Neal and ENO have entered into negotiations to settle all disputes between the parties, including, but not limited to all claims included in the proceedings currently pending before the Administrative Review Board. These matters include, but are not limited to: (1) ARB Case No. 08-092,³ (2) Case No. 2010-ERA-001, currently pending before the Office of Administrative Law Judges, and (3) Case No. 1-01-20-10-00, currently pending before the Department of Labor.

Judge Calianos, who presided over Case No. 2010-ERA-001, was appointed as a Settlement Judge to facilitate the settlement negotiations. The parties have agreed to the terms of a Settlement Agreement and a copy of the Agreement has been submitted to Judge Calianos for his approval as Settlement Judge. The parties state that the Joint Motion has been filed to avoid duplication of the approval process and to avoid the possibility of inconsistent orders regarding approval of a global settlement of all claims, without which the parties will have no agreement on settlement. The parties contend that “[g]ranted this motion will promote the interest of judicial economy, and will expedite the approval of the settlement reached by the parties.”⁴

For good cause shown, we **GRANT** the parties’ Joint Motion and **REMAND** this case to Judge Geraghty, where it can be consolidated with Case No. 2010-ERA-001 and transferred to Judge Calianos for the purpose of approving the Settlement Agreement.

SO ORDERED.

PAUL M. IGASAKI
Chief Administrative Appeals Judge

E. COOPER BROWN
Deputy Chief Administrative Appeals Judge

³ The Motion also refers to Case Nos. 06-084 and 06-086 as currently pending before the Board; however, the Board dismissed those cases by Order dated July 26, 2006. *Neal v. Entergy Nuclear Operations, Inc.*, ARB Nos. 06-084, -086.

⁴ Joint Motion at 3.