



In the Matter of:

**DIRK HUMMER,**

**ARB NO. 96-170**

**COMPLAINANT,**

**CASE NO. 96-ERA-12**

**v.**

**DATE: August 21, 1996**

**ICF KAISER HANFORD COMPANY,**

**RESPONDENT.**

BEFORE: THE ADMINISTRATIVE REVIEW BOARD<sup>1/</sup>

**FINAL ORDER APPROVING SETTLEMENT  
AND DISMISSING COMPLAINT**

This case arises under the employee protection provisions of the Energy Reorganization Act of 1974, 42 U.S.C. § 5851; the Clean Air Act, 42 U.S.C. § 7122; the Solid Waste Disposal Act, 42 U.S.C. § 6971; the Toxic Substances Control Act, 15 U.S.C. § 2622; and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9610. The parties submitted a Settlement Agreement and General Release of Claims seeking approval of the settlement and dismissal of the complaint. The Administrative Law Judge (ALJ) issued a Recommended Decision and Order (R. D. and O.) on July 30, 1996, recommending that the settlement be approved. The request for approval is based on an agreement entered into by the parties, therefore, we must review it to determine whether the terms are a fair, adequate and reasonable settlement of the complaint. 42 U.S.C. § 5851(b)(2)(A) (1988). *Macktal v. Secretary of Labor*, 923 F.2d 1150, 1153-54 (5th Cir. 1991); *Thompson v. U. S. Dep't of Labor*, 885 F.2d

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<sup>1/</sup> On April 17, 1996, a Secretary's Order was signed delegating jurisdiction to issue final agency decisions under this statute and these regulations to the newly created Administrative Review Board. 61 Fed. Reg. 19978 (May 3, 1996)(copy attached).

Secretary's Order 2-96 contains a comprehensive list of the statutes, executive order and regulations under which the Board now issues final agency decisions. A copy of the final procedural revisions to the regulations (61 Fed. Reg. 19982), implementing this reorganization is also attached.

551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power Co.*, Case Nos. 89-ERA-9, 89-ERA-10, Sec. Order, Mar. 23, 1989, slip op. at 1-2.

The agreement appears to encompass the settlement of matters arising under various laws, beyond the whistleblower protection provisions of the above enumerated Acts. *See* ¶ 3. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, Nov. 2, 1987, slip op. at 2, we have limited our review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of the Complainant's allegations that Respondent violated the above enumerated Acts.

We find that the agreement, as here construed, is a fair, adequate and reasonable settlement of the complaint. Accordingly, we APPROVE the agreement and DISMISS THE COMPLAINT WITH PREJUDICE.

**SO ORDERED.**

**DAVID A. O'BRIEN**  
Chair

**KARL J. SANDSTROM**  
Member

**JOYCE D. MILLER**  
Alternate Member