



In the Matter of:

**UNITED STATES DEPARTMENT
OF LABOR, OFFICE OF FEDERAL
CONTRACT COMPLIANCE PROGRAMS,**

ARB CASE NO. 02-100

ALJ CASE NO. 86-OFC-12

PLAINTIFF,

DATE: November 26, 2002

v.

UNITED AIRLINES

DEFENDANT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD¹

Appearances:

For the Plaintiff:

Michelle Serrou, Esq., Beverly Dankowitz, Esq., Gary Buff, Esq., Eugene Scalia, Esq., U.S. Department of Labor, Washington, D.C.

For the Defendant:

Ulrico S. Rosales, Esq., Wilson, Sonsini, Goodrich & Rosati, PC, Palo Alto, California

**FINAL ADMINISTRATIVE ORDER APPROVING
CONSENT DECREE AND ORDER**

This case arose when the plaintiff, United States Department of Labor, Office of Federal Contract Compliance Programs (“OFCCP”) filed an administrative complaint against defendant United Airlines alleging that United discriminated against Ronald Rasmussen on the basis of disability in violation of Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C.A § 793 (West 1999). The parties to this action have negotiated and executed a Consent Decree in final resolution of OFCCP’s claims.

The Consent Decree provides, “[t]his Consent Decree shall constitute the final Administrative Order in this case.” Consent Decree at 3. Furthermore, “[a]ll further procedural

¹ This appeal has been assigned to a panel of two Board members, as authorized by Secretary's Order 1-2002, 67 Fed. Reg. 64272 (Oct. 17, 2002).

steps to contest the binding effect of this Consent Decree are waived by the parties.” *Id.* Finally, “any right to challenge or contest the validity of the findings and Order entered into in accordance with the agreements contained in this Consent Decree are [sic] waived by the parties.”

We **APPROVE** the Consent Decree attached to this Order and hereby enter it as the final administrative order in this case. *Accord OFCCP v. Beverly Enterprises, Inc.*, ARB No. 02-009, ALJ No. 99-OFC-11 (ARB Apr. 30, 2002); *OFCCP v. Jacksonville Shipyards, Inc.*, ARB No. 97-116, ALJ No. 89-OFC-1 (ARB Sept. 25, 1998); *OFCCP v. USAIR, Inc.*, No. 88-OFC-17 (Sec’y June 30, 1992); *OFCCP v. Interco, Inc.*, No. 86-OFC-2 (Sec’y July 31, 1989). *See also* 41 C.F.R. §§ 60-30.13; 60-250.65(b); 60-741.65(b).

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

JUDITH S. BOGGS
Administrative Appeals Judge