



In the Matter of:

JOSEPH J. BARTON,

ARB CASE NO. 2021-0025

COMPLAINANT,

ALJ CASE NO. 2020-SOC-00002

v.

DATE: April 8, 2021

**IFPTE LOCAL 4, PORTSMOUTH
NAVAL SHIPYARD,**

RESPONDENT.

**Before: James D. McGinley, *Chief Administrative Appeals Judge*, and
Thomas H. Burrell, *Administrative Appeals Judge***

**DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT WITH PREJUDICE**

PER CURIAM. This case arises under Title VII of the Civil Service Reform Act of 1978 (CSRA), 5 U.S.C. §§ 7101, *et seq.* (1978); the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), Pub. L. No. 86-257, 73 Stat. 519 (1959) (codified as amended in scattered sections of 29 U.S.C. beginning with 29 U.S.C. § 401); the regulations issued pursuant to the LMRDA at 29 C.F.R. Parts 451-53 (2020); and the Standards of Conduct Regulations (SOC) issued pursuant to the CSRA at 29 C.F.R. Parts 457-459 (2020).

Before the Administrative Law Judge (ALJ) assigned to the case, counsel for Employer filed a Joint Notice of Settlement and Motion for Approval of Settlement Agreement (“Motion”). The Settlement Agreement was included as Exhibit 1 to the joint motion. The Motion and Settlement Agreement were signed by the *pro se* Complainant, Joseph Barton, and by the President for the International Federation of Professional and Technical Engineers (IFPTE) Local 4, Portsmouth Naval Shipyard (“Local 4”), Larry Davis. The ALJ attached the Settlement Agreement to the ALJ’s Order.

The parties represented to the ALJ that they believed the proposed resolution of this case was within the range of fair, reasonable, and adequate outcomes. Having reviewed the proposed resolution, the ALJ saw no basis for doubting the parties’ representation, accepted that it was as represented, and approved the settlement.

The case is now before the Administrative Review Board [ARB] pursuant to the CSRA's automatic review provisions.¹ Neither of the parties appealed the ALJ's order. We therefore deem the settlement unopposed under its terms. In light of these considerations, we **ADOPT** the ALJ's recommended decision and order and **DISMISS** the complaint with prejudice.²

SO ORDERED.

¹ See 29 C.F.R. § 458.88(b) (“ . . . the [ALJ] shall transfer the case to the [ARB] including his recommended decision and order and the record.”); 29 C.F.R. § 458.91(a) (“After consideration of the [ALJ's] recommended decision and order, the record, and any exceptions filed, the [ARB] shall issue its decision affirming or reversing the [ALJ], in whole, or in part, or making such other disposition of the matter as it deems appropriate” . . .).

² 29 C.F.R. 458.91(a) (. . . “the [ARB] may, at its discretion, adopt without discussion the recommended decision and order of the [ALJ], as contained in his recommended decision and order, shall, upon appropriate notice to the parties, automatically become the decision of the [ARB].”).