



Issue Date: 22 September 2010

Case No.: 2010-STA-00030

In the Matter of

PHILIP M. DePIETRO, JR.
Complainant

v.

MATTHEWS TRUCKING, INC.
Respondent

**DECISION AND ORDER APPROVING
PARTIES' AGREEMENT**

This proceeding involves a complaint filed under the “whistleblower” employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982, as amended, 49 U.S.C. § 31105 (formerly 49 U.S.C. § 2305), and its implementing regulations, 29 C.F.R. part 1978.¹

On September 17, 2010, counsel for the Complainant submitted to me a “Release Agreement,” signed by the Complainant and the Respondent. The parties’ agreement resolves this matter to their mutual satisfaction.

I have reviewed the parties’ agreement, which is herein incorporated by reference.

I make the following findings and conclusions:

The parties’ agreement is equitable and adequate and was not procured by duress.

The parties’ agreement should be and is hereby approved.

¹ Effective August 31, 2010, all Administrative Law Judge determinations are now characterized as “Final” rather than “Recommended.” See “Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provision of the Surface Transportation Assistance Act of 1982,”(Interim Rule), 75 Fed. Reg. 53,544, at 53,550 (Aug. 31, 2010).

SO ORDERED.

A

ADELE H. ODEGARD
Administrative Law Judge

Cherry Hill, New Jersey