



**Issue Date: 21 December 2010**

CASE NO.: 2010-STA-00071

IN THE MATTER OF

VICTOR HARLAN,  
Complainant

v.

VAQUERO SERVICES, INC.  
Respondent

**DECISION AND ORDER APPROVING  
SETTLEMENT AGREEMENT**

This proceeding arises under the employee protection provision of Section 405 of the Surface Transportation Assistance Act of 1982 (“STAA”), 49 U.S.C. § 31105 *et seq.*, and the regulations promulgated thereunder at 29 C.F.R. Part 1978.

On December 21, 2010, the parties notified this Office that they wished to cancel the hearing scheduled in this matter because they had reached a settlement agreement.

The STAA and implementing regulations provide that a proceeding may be terminated on the basis of a settlement, provided that either the Secretary or the Administrative Law Judge approves the settlement. 49 U.S.C. § 31105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). Under the STAA, a settlement agreement cannot become effective until its terms have been reviewed and determined to be a fair, adequate, and reasonable settlement of the STAA complaint, and in the public interest. *Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-36 (ARB Dec. 16, 2009); *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec’y Feb. 18, 1993). Consistent with that required review, the regulations direct the parties to file a copy of the settlement “with the ALJ or the Administrative Review Board United States Department of Labor as the case may be.” 29 C.F.R. § 1978.111(d)(2). Any settlement approved by the Assistant Secretary, the ALJ, or the ARB constitutes the final order of the Secretary and may be enforced pursuant to § 1978.113. 29 C.F.R. § 1978.111(e).

I have carefully reviewed the parties' settlement agreement, and I find that it constitutes a fair, adequate, and reasonable settlement of the complaint, and is in the public interest.

It is therefore **ORDERED, ADJUDGED AND DECREED** that Complainant's request to withdraw his objections is hereby approved and the objections are hereby withdrawn and dismissed with prejudice as to the refiling of same.

It is further **ORDERED, ADJUDGED AND DECREED** that the parties' settlement agreement is hereby approved. All other relief not herein expressly granted is denied.

**So ORDERED.**

**A**

**LARRY W. PRICE**  
**Administrative Law Judge**