



Issue Date: 15 October 2010

Case No.: 2010-STA-34

In the Matter of:
ERIC JOHNSON,

v.

ROEHL TRANSPORT, INC.,
Respondent.

**DECISION AND ORDER APPROVING
SETTLEMENT AND DISMISSING PROCEEDING**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (the "STAA"), 49 U.S.C.A. § 31105, and the implementing regulations at 29 C.F.R. Part 1978. The case is before the Office of Administrative Law Judges ("OALJ") for a formal hearing, which had been scheduled on September 22, 2010. I issued an order cancelling the hearing after the parties submitted a letter stating they have settled the case. On September 30, 2010, Complainant submitted his Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice. On October 4, 2010, A. Jack Finklea, attorney for Respondent, submitted an original executed Confidential Settlement Agreement and Release of Claims.

Under the STAA's implementing regulations, a case may be settled at any time after the filing of objections to the Assistant Secretary's findings "if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board, . . . or the ALJ." 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 fair, adequate, and reasonable, and in the public interest. *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 as the case may be." *Id.*

I have read the Settlement Agreement and General Release signed by the parties and find that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest. Accordingly, the settlement is APPROVED, and the proceeding before the OALJ is DISMISSED WITH PREJUDICE. This order constitutes the final order of the Secretary of Labor and may be enforced pursuant to 29 C.F.R. § 1978.111(e) (2010); 75 Fed. Reg. 53554, 53558 (Aug. 31, 2010).

SO ORDERED.

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JOSEPH E. KANE
Administrative Law Judge