



**Issue Date: 14 January 2011**

**CASE NO.: 2010-STA-16**

**IN THE MATTER OF**

**BRENDA MARTINEZ,**  
Complainant

**vs.**

**AUTOBUSES EJECUTIVOS,**  
Respondent

**DECISION AND ORDER APPROVING  
SETTLEMENT AGREEMENT**

This proceeding arises under the Surface Transportation Assistance, P.L. 103-272 at 49 U.S.C. § 31105 *et seq.*, and the regulations promulgated thereunder at 29 C.F.R. Part 1978, which are employee protective provisions. The Secretary of Labor is empowered to investigate and determine “whistleblower” complaints filed by employees of commercial motor carriers who are allegedly discharged or otherwise discriminated against with regard to their terms and conditions of employment because the employee refused to operate a vehicle when such operation would violate a regulation, standard, or order of the United States related to commercial motor vehicles.

On 22 Oct 10, the parties mediated the above-entitled matter and reached a settlement. On 7 Jan 11 the Respondent submitted a proposed Settlement Agreement and Release for approval.

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 Service, 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 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 the parties' settlement agreement is hereby approved.

**So ORDERED.**

A

**PATRICK M. ROSENOW**  
**Administrative Law Judge**