



**Issue Date: 06 May 2014**

OALJ Case No.: 2013-STA-00025

*In the Matter of:*

**DANIEL BRAUN,**  
*Complainant,*

v.

**CHICODA CARRIERS, INC.,**  
*Respondent.*

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

This is a case brought under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. §31105 as amended in 2007 (“STAA”), and the applicable regulations at 29 C.F.R. Part 1978. A hearing was scheduled for July 9, 2013, in Omaha, Nebraska. On June 24, 2013, having been advised that the parties had reached a settlement and that they requested the hearing be cancelled, I issued an order cancelling the hearing.

On March 18, 2014, I received Complainant’s Motion to Approve Settlement. This document has been superseded by Complainant’s Motion to Approve Settlement and to Dismiss Complaint with Prejudice (the “Motion”), which I received on April 28, 2014, accompanied by the parties’ Settlement Agreement and Release of All Claims (the “Settlement Agreement”). On May 5, 2014, my law clerk confirmed with counsel for Respondent that he did not object to the Motion.

Under 29 C.F.R. § 1978.111(d)(2), if a matter is before an administrative law judge, a settlement must be approved by that administrative law judge. I must therefore review the Settlement Agreement to determine if I should approve it.

Counsel for Complainant, an experienced STAA litigator, “represents that the settlement is fair, adequate, and reasonable.” Motion, at 1. Moreover, the parties “have acknowledge[d] and agree[d] that before entering into this Agreement: (1) they have consulted with attorneys of their own choosing; and (2) they were given a reasonable period of time within which to consider this agreement” and that they fully understood the Settlement Agreement before they signed it.

Settlement Agreement, at 2-3. Complainant also acknowledged that he entered into the Settlement Agreement voluntarily. *Id.* at 3.

I have reviewed the Settlement Agreement and find that it was entered into voluntarily and not under duress, that it constitutes a fair, adequate, and reasonable settlement of Complainant's allegations that Respondents violated the STAA, and that it is in the public interest. Accordingly, the Settlement Agreement is APPROVED and this proceeding, OALJ Case No. 2013-STA-00025, is DISMISSED WITH PREJUDICE.

The terms and conditions of the Settlement Agreement are hereby adopted, approved, and incorporated by reference into this decision and order.

**SO ORDERED.**

**PAUL R. ALMANZA**  
Administrative Law Judge

Washington, D.C.