



Issue Date: 11 February 2014

CASE NO.: 2013-STA-00011

In the Matter of:

RUSSELL W. FLOYD,
Complainant,

v.

HOWELL'S MOTOR FREIGHT, INC.
and KENJI LONG,
Respondents.

ORDER APPROVING SETTLEMENT

A hearing in the above-captioned matter was scheduled to begin on February 25, 2014 in Columbia, South Carolina, but was canceled after the parties advised me that they had reached a settlement.

The parties have submitted an executed Settlement Agreement and Release of Claims for review. I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the Surface Transportation Assistance Act. My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under the Act. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

In addition, I construe paragraph O, stating that the agreement and release "shall be construed, if necessary, under the laws of the State of Virginia" as not limiting the authority of the Secretary of Labor or any Federal court, which shall be governed in all respects by the laws and regulations of the United States.¹

¹ *Phillips v. Citizens' Ass'n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec'y Nov. 4, 1991).

Accordingly, with the reservations noted above and limiting my approval to the claim brought under the Surface Transportation Assistance Act, IT IS ORDERED:

1. The Settlement Agreement and Release of Claims is APPROVED; and
2. The Complaint is DISMISSED WITH PREJUDICE.

SO ORDERED.

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge