



Issue Date: 11 July 2014

Case No. 2013-STA-00040

In the Matter of:
KAREN LOVEJOY,
Complainant,

v.

WANNEMACHER ENTERPRISES,
Respondent

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

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (“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 June 10, 2014. On June 6, 2014, I issued an order cancelling the hearing after the parties submitted a letter stating they have settled the case. On July 2, 2014, Complainant submitted Complainant’s Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice.

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 Negotiated 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.

JOSEPH E. KANE
Administrative Law Judge