



Issue Date: 09 July 2014
Case No.: 2013 STA 16

In the Matter of
RICHARD MOSQUEDA,
Complainant

v.

JEFF HEEREN TRUCKING, INC., and
JEFF HEEREN
Respondents

Appearances: Mr. Paul O. Taylor, Attorney
For the Complainant

Mr. Heath Sherman, Attorney
For the Respondents

Before: Richard T. Stansell-Gamm
Administrative Law Judge

**DECISION AND ORDER-
APPROVAL OF SETTLEMENT AGREEMENT &
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This action arises under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act (“STAA” or “Act”) of 1982, as amended and re-codified, Title 49 United States Code Section 31105, and the corresponding agency regulations, Title 29, Code of Federal Regulations (“C.F.R.”) Part 1978.¹ Section 405 of the STAA provides for employee protection from employer discrimination because the employee has engaged in a protected activity, consisting of either reporting violations of commercial motor vehicle safety rules or refusing to operate a vehicle when the operation would violate these rules or cause serious injury.

Pursuant to a Continuance Order and Cancellation of Hearing, dated August 6, 2013, I cancelled the hearing scheduled for August 20, 2013 and continued the proceedings based on the parties’ request for a settlement judge. On November 25, 2013, I was advised that the settlement proceedings had been concluded. On March 4, 2014, the parties indicated that they had nearly completed the distribution terms of the settlement. On July 9, 2014, I received the executed settlement agreement.

¹See 75 Fed. Reg. 53553-53558 (Aug. 31, 2010).

Having reviewed the settlement agreement and its provisions, which include dismissal of the STAA complaint with prejudice, I find the terms, obligations, and conditions fair and reasonable. I also find the Claimant and Respondents were ably represented by counsel and that the settlement was not procured by duress. Accordingly, I approve the parties' settlement and dismissal of the STAA complaint with prejudice. The parties shall implement the terms of the approved settlement as specifically stated in their agreement.

ORDER²

The parties' settlement agreement is **APPROVED**. The STAA complaint of Mr. Richard Mosqueda is **DISMISSED** with prejudice.

SO ORDERED:

Richard T. Stansell-Gamm
Administrative Law Judge

Date Signed: July 9, 2014
Washington, D.C.

²According to 29 C.F.R. § 1978.111(e), this order constitutes the final order of the Secretary.