



Issue Date: 06 March 2014

Case No.: 2013-STA-00017

In the Matter of:

THERESA SCOTT,

Complainant,

v.

HIRSCHBACH MOTOR LINES,

Respondent.

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

This proceeding arises from a complaint filed under the provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, §31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (“STAA”) and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 1978 and Part 18. The claim was referred to the Office of Administrative Law Judges for formal hearing upon appeal by Complainant of the December 14, 2012 Occupational Safety and Health Administration determination that there was no reasonable cause to believe that Respondent violated the STAA.

Formal hearing in this case was deferred for settlement judge proceedings pursuant to 29 CFR §18.9(e). Settlement judge proceedings pursuant to 29 CFR §18.9(e) were requested on December 6, 2013 and concluded on February 5, 2014. February 27, 2014, the Parties filed their “Settlement Agreement and Release of Claims” (Settlement Agreement) with this office.

Implementing Federal regulations at 29 CFR §1978.111(d)(2) provides that “At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ, if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement agreement must be filed with the administrative law judge or the ARB, as the case may be.” In reviewing the Settlement Agreement, the Administrative Law Judge must determine

whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the STAA. See - *Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-36 (ARB Dec. 16, 2009); *Thompson v. G&W Transportation Co., Inc.*, 90-STA-25 (Sec'y Oct.24, 1990) Once the settlement agreement is approved, it becomes the final action of the Secretary, 29 CFR §1978.111(e).

After review of the Settlement Agreement and the administrative record, this Administrative Law Judge finds that the Settlement Agreement complies with the standard required under the STAA and is approved.

Accordingly, it is **ORDERED** that –

1. The Settlement Agreement is **APPROVED**; and,
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

ALAN L. BERGSTROM
Administrative Law Judge

ALB/jcb
Newport News, Virginia