

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 14 May 2015

CASE NOS.: 2014-STA-00048, 00049

In the Matter of:

SCOTT ALBERG,
Complainant,

v.

WERNER ENTERPRISES, INC. and
DRIVERS MANAGEMENT, LLC,
Respondents.

DECISION AND ORDER APPROVING SETTLEMENT

This matter arises under the employee protection provisions of 49 U.S.C. § 31105 of the Surface Transportation Assistance Act of 1982 (STAA) and the regulations of the Secretary of Labor published at 29 C.F.R. Part 1978. I vacated the trial date after the parties notified me the matter had resolved.

On May 11, 2015, pursuant to 29 C.F.R. § 1978.111(d)(2), the parties submitted a Settlement Agreement and General Release (“Settlement Agreement”) that resolved all issues in this matter. The parties were represented by counsel and acknowledged and agreed that they consulted with attorneys of their own choosing before entering into the Agreement and were given a reasonable period of time within which to consider the Agreement. The Settlement Agreement is appropriate in form and substance and details the respective duties and obligations of the parties pursuant to the agreement. I note that the Settlement Agreement includes a confidentiality provision agreed to by the parties, but acknowledges that the settlement agreement is subject to disclosure under the Freedom of Information Act (“FOIA”). *See* 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip op. at 2 (ARB July 22, 2013).

The Settlement Agreement also includes a general release of liability, which resolves matters under a multitude of laws other than STAA. My authority over settlement agreements is limited to the statutes that are within my jurisdiction, and I have, therefore, restricted my review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this STAA case. *Mann v. Schwan’s Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 4 (ARB Dec. 31, 2008).

As construed, and after carefully considering the terms of the Settlement Agreement, I find that the terms and conditions appear to be fair, adequate, and reasonable. I further find that the Settlement Agreement is not contrary to the public interest. The Settlement Agreement is incorporated by reference into this Decision and Order and is hereby adopted and approved. This matter is dismissed with prejudice. All dates are vacated.

SO ORDERED.

RICHARD M. CLARK
Administrative Law Judge