



Issue Date: 13 May 2015

CASE NO: 2014-STA-00053

In the Matter of:

DAVID A. BLANKENSHIP,
Complainant,

v.

CUSTOM ECOLOGY, INC.,
Respondent.

ORDER APPROVING SETTLEMENT

Under cover letter dated April 27, 2015, the parties in the above-captioned matter submitted an executed settlement agreement for review and approval. Upon 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 Assistant Act (STAA). 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 STAA. 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 11, stating that the agreement and release "shall be governed and conformed in accordance with the laws of the State of North Carolina without regard to its conflict of laws provisions" 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 STAA, IT IS ORDERED:

1. The Settlement Agreement and General Release is APPROVED; and
2. This matter is DISMISSED.

SO ORDERED.

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