



**Issue Date: 15 December 2014**

CASE NO.: 2014-STA-00029

*In the Matter of:*

**PHILLIP HORN,**  
Complainant,

v.

**TIMEX LOGISTICS CO., BEYOND TRANSPORT,  
INC., BEYOND LOGISTICS, INC., MILDA  
KRAPUKAITYTE, JANIS JUSHKEVICH,  
JOHN DOE, and MARY ROE,**  
Respondents.

**ORDER APPROVING REVISED SETTLEMENT AGREEMENT**

This complaint arises under the whistleblower protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105. The parties have settled. I disapproved their initial proposed settlement agreement on November 17, 2014, for a variety of reasons stated in an order issued on that day. On December 12, 2014, the parties submitted a revised settlement agreement for review and approval.

The settlement of a claim in litigation under the Act requires the approval of the administrative law judge. 29 C.F.R. § 1978.111(d)(2). Once approved, the settlement constitutes the final order of the Secretary and may be enforced in United States district court under 49 U.S.C. § 31105(e). 29 C.F.R. § 1978.111(e).

I find that the proposed settlement is generally proper and will approve it. But I address two issues: confidentiality and the settlement of matters beyond the scope of the Act.

First, the Agreement contains a confidentiality provision on page 4. This Office does not treat settlement agreements or the orders approving them confidentially. Our case files are generally public and subject to disclosure under the Freedom of Information Act. Consistent with this, the parties recognize in the settlement agreement that the confidentiality provision applies only to themselves.

Second, some language in the Agreement settles claims or potential claims that go beyond the scope of the Act. I limit my review to the Surface Transportation Assistance Act claim only.

Anything beyond that exceeds this Office's jurisdiction and is neither approved nor disapproved; it simply is an agreement of the parties.

That said, I find the proposed settlement agreement fair and reasonable as to the claim under the Surface Transportation Assistance Act. It adequately protects Complainant, and none of the terms is against public interest. The proposed settlement therefore is APPROVED, and the parties are ORDERED to comply with its terms. This matter is DISMISSED.

SO ORDERED.

STEVEN B. BERLIN  
Administrative Law Judge