



**Issue Date: 04 September 2015**

**CASE NO.: 2014-STA-00010**

**IN THE MATTER OF**

**DAVID KOHN  
PEGGY MORENO  
Complainants**

**v.**

**NELTRAN, LLC  
PATRICK NELSON  
BRIAN DOLIVIER  
KATHY DWARKIS  
Respondent**

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

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (“STAA” or “Act”), and the implementing regulations at 29 C.F.R. Part 1978. On August 24, 2015, the parties filed a Motion to Approve Settlement and Dismiss Proceeding with Prejudice and submitted a Settlement Agreement and Mutual Release (“Settlement Agreement”).

Pursuant to Section 31105(b)(2)(C) of the Act, “[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation” under regulations implementing the STAA. The parties may settle a case at any time after the filing of objections to the Secretary’s findings “if the participating parties agree to a settlement and the settlement is approved by the ALJ” if the case is before the ALJ. 29 C.F.R. §1978.111(d)(2).

I find the executed Settlement Agreement, incorporated herein by reference, to be fair, adequate, and reasonable, and in the public interest. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the terms of the agreement pertaining to Complainants’ STAA Case.

Accordingly, the Parties' Settlement Agreement is **APPROVED**, and the above-captioned matter is hereby **DISMISSED** with prejudice.

**SO ORDERED** this 4<sup>th</sup> day of September, 2015, at Covington, Louisiana.

**CLEMENT J. KENNINGTON**  
**ADMINISTRATIVE LAW JUDGE**