



Issue Date: 18 November 2014

Case No.: 2014-STA-57

In the Matter of:

GARY MOORE,

Complainant,

v.

MARTEN TRANSPORT, INC.,

Respondent.

Appearances: Gary Moore,
Pro Se

Mr. Stephen A. Ditullio, Esq.
For the Respondent

Before: Peter B. Silvain, Jr.
Administrative Law Judge

**DECISION AND ORDER – APPROVAL OF SETTLEMENT
AGREEMENT & DISMISSAL OF COMPLAINT WITH PREJUDICE**

This proceeding arises from a claim of whistleblower protection under the Surface Transportation Assistance Act (STAA), as amended.¹ The statute prohibits retaliatory or discriminatory actions against employees who engage in protected activity relating to commercial motor vehicle safety, health or security matters. In this case, the Complainant, Gary Moore, has requested a hearing by the Office of Administrative Law Judges (“OALJ”) because he objects to a finding by the Occupational Safety and Health Administration (“OSHA”).

I held a telephone conference on August 28, 2014, with the parties to discuss how the case should proceed. Gary Moore, Pro Se Complainant, represented himself. Stephen Ditullio, Esq. represented the Respondent. The parties requested time to have settlement negotiations. On September 15, 2014, the Employer filed a notice that the settlement negotiations were unsuccessful. However, on November 18, 2014, the undersigned received the parties’ settlement

¹ 49 U.S.C. § 31105 (2011).

agreement. On November 10, 2015, the Complainant also forwarded me correspondence stating his intent to settle and withdraw his complaint.

Having reviewed the settlement agreement and its provisions, which included dismissal of the complaint with prejudice, I find the terms, obligations, and conditions fair and reasonable. I also find the Complainant and Respondent discussed this settlement and that the settlement was not procured by duress. Accordingly, I approve the parties' settlement and dismissal of the complaint with prejudice. The parties shall implement the terms of the approved settlement as specifically stated in their Settlement Agreement.

ORDER²

The parties' settlement agreement is **APPROVED**. The Complaint of Gary Moore is **DISMISSED** with prejudice.

SO ORDERED.

PETER B. SILVAIN, JR.
Administrative Law Judge

² According to 29 C.F.R. § 1978.111(e), this order constitutes the final order of the Secretary.