



Issue Date: 12 August 2015

Case No.: 2014-STA-00073

In the Matter of:

RICHARD W. PARKS,

Complainant,

v.

CAROLINA CONTAINER COMPANY,

Respondent.

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

This proceeding arises from a complaint filed under the provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, §31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (“STAA”) and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 1978 and Part 18. The claim was referred to the Office of Administrative Law Judges for formal hearing upon appeal by Complainant of the July 11, 2014 Occupational Safety and Health Administration determination that there was no reasonable cause to believe that Respondent violated the STAA.

By Order of April 3, 2015 a formal hearing in this case was set to commence May 21, 2015 in Newport News, Virginia. The hearing was canceled by Order of April 27, 2015 upon notice filed by Complainant’s counsel that the Parties had settled the issues in dispute and would be submitting a settlement agreement for review pursuant to 29 CFR §1978.111(d)(2). On July 31, 2015, the Parties filed their confidential “Settlement Agreement & Release” (Settlement Agreement) with this office.

Implementing Federal regulations at 29 CFR §1978.111(d)(2) provides that “At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ, if the

case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement agreement must be filed with the administrative law judge or the ARB, as the case may be.” In reviewing the Settlement Agreement, the Administrative Law Judge must determine whether the terms of the agreement fairly, adequately and reasonably settle the Complainant’s allegations that the Respondent violated the STAA. See - *Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-36 (ARB Dec. 16, 2009); *Thompson v. G&W Transportation Co., Inc.*, 90-STA-25 (Sec’y Oct.24, 1990) Once the settlement agreement is approved, it becomes the final action of the Secretary, 29 CFR §1978.111(e).

After review of the Settlement Agreement and the administrative record, this Administrative Law Judge finds that the Settlement Agreement complies with the standards required under the STAA and is approved.

Accordingly, it is **ORDERED** that –

1. The Settlement Agreement is **APPROVED**; and,
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

ALAN L. BERGSTROM
Administrative Law Judge

ALB/jcb
Newport News, Virginia