



Issue Date: 09 June 2016

Case No.: 2015-STA-00074

In the Matter of:

DONTE BRACEY,

Complainant,

v.

WESTERN EXPRESS, INC.,

Respondents.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
ORDER DISMISSING COMPLAINT WITH PREJUDICE

This matter 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. Per 29 CFR §1978.107, the proceeding will be held in a manner consistent with the procedural rules set forth in federal regulations at 29 CFR Part 18, Subpart A (29 CFR §18.1 to §18.95). Per the Amended Notice of Hearing and Scheduling Order dated December 3, 2015, a formal hearing was scheduled to commence on June 21, 2016 in Newport News, Virginia.

By letter dated May 2, 2016, the Parties advised that they “have reached a settlement resolving all of Mr. Bracey’s claims against Western.”

By letter dated May 27, 2016 and received on June 3, 2016, the parties filed their Complainant’s Unopposed Motion To Approve Settlement And To Dismiss Proceeding And Complaint With Prejudice. The fully executed Settlement Agreement and Release of Claims was submitted.

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

Administrative Law Judge, 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 standard required under the STAA and is approved.

ORDER

Accordingly, it is **ORDERED** that:

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

SO ORDERED.

DANA ROSEN
Administrative Law Judge

DR/mja
Newport News, VA