



**Issue Date: 24 November 2015**

Case No.: 2015-STA-00066

In the Matter of:

DEREK HOUSTON,

Complainant,

v.

CHIEF TRANSPORT, LLC,  
LARRY NIXON AND NEIL SCHMIDT,

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 §18.59).

On November 19, 2015, the parties filed their Tender of Settlement Agreement and Unopposed Request for Approval of Settlement Agreement with the court.

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.

Accordingly, it is **ORDERED** that:

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

DANA ROSEN  
Administrative Law Judge