



Issue Date: 31 August 2016

OALJ No. 2016-STA-00053
OSHA No. 7-5880-16-009

In the Matter of:

TENIL ADAMS,
Complainant,

v.

DEFFENBAUGH INDUSTRIES, INC.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT, DISMISSING COMPLAINT WITH PREJUDICE, AND ORDER CANCELLING HEARING

This is a case brought under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105, as amended (the “STAA”), and the applicable regulations at 29 C.F.R. Part 1978. I have received from the Parties a document, dated August 10, 2016, styled “Full and Final Settlement Agreement” [hereinafter “the Agreement”]. Paragraph six of the Agreement provides that Complainant “will submit a letter withdrawing the Appeal to the Department of Labor Office of Administrative Law Judges and, if requested, affirm that this matter has been fully and finally resolved on the terms set forth herein.” Consistent with this provision of the Agreement, I also received a document [hereinafter “the Withdrawal”] with the same date from Complainant in which she asserts in relevant part “I hereby withdraw, and I request that you immediately dismiss with prejudice, all pending Appeals and complaints filed by me (or on my behalf) against Deffenbaugh Industries and its affiliated entities.”

With the approval of the undersigned, the Parties may enter into an adjudicatory settlement at any time after the filing of objections to the Assistant Secretary’s findings. 29 C.F.R. § 1978.111(d)(2). If approved by the undersigned, the settlement constitutes the final order of the Secretary and may be judicially enforced pursuant to 49 U.S.C. § 31105(e). *See* 29 C.F.R. § 1978.111(e).

The Settlement Agreement provides, in relevant part, for a total settlement of \$2,500.00 payable to Complainant. I have reviewed the Agreement and Withdrawal and find that it was entered into voluntarily and not under duress, that it constitutes a fair, adequate, and reasonable settlement of Complainant’s allegations that Respondents violated the STAA, and that it is in the

public interest. Accordingly, the Agreement is **APPROVED**, Complainant's objections to the Assistant Secretary's findings are **WITHDRAWN**, and this proceeding, OALJ Case Number 2016-STA-00053, is **DISMISSED WITH PREJUDICE**. The terms and conditions of the Settlement Agreement are hereby adopted, approved, and incorporated by reference into this decision and order.

In light of this disposition, the hearing tentatively scheduled in the Prehearing Order in Kansas City, Missouri, to be held no later than September 7, 2016, is hereby **CANCELLED**.

SO ORDERED.

WILLIAM T. BARTO
Administrative Law Judge