



Issue Date: 18 October 2016

Case No.: **2016-STA-00052**

In the Matter of:

JAMES L. CRITCHFIELD,
Complainant,

v.

PRECIOUS CARGO TRAILWAYS,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This case arose under the whistleblower protection provisions of the Surface Transportation Act (“STA”). On October 14, 2016, Respondent’s counsel submitted for my review a signed “Settlement and General Release”. The Settlement Agreement has been signed by the Complainant, who is not represented by counsel.

My review of the Settlement Agreement is limited to a determination of whether its terms are fair, adequate and reasonable under the STA. The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest. On October 18, 2016, I conducted a telephone conference with Complainant and counsel for Respondent. I made an inquiry into the circumstances of the settlement.

Because the Office of Administrative Law Judges is a government agency, and this is a public proceeding, the parties’ submissions in this case, including the Settlement and General Release, become a part of the record in this case, and are subject to the Freedom of Information Act (“FOIA”). FOIA requires agencies to disclose requested records unless they are exempt from disclosure under FOIA. The Settlement Agreement provides that both parties will keep the existence and terms of the Settlement Agreement confidential, with certain specified exceptions. The parties have stipulated to the confidential nature of the Settlement Agreement. Accordingly, to protect the parties from improper disclosure of this confidential information, to the furthest extent permitted by law, the Settlement Agreement will be sealed in a separate envelope and identified as being “CONFIDENTIAL COMMERCIAL AND PERSONAL PRIVATE INFORMATION” pursuant to 29 C.F.R. § 70.26(b).

After careful consideration of the Settlement Agreement and General Release, I find that the terms and conditions are acceptable. Moreover, based in large part upon my October 18, 2016, conversation with Complainant, I find the terms of the agreement to be fair, adequate, and reasonable under the STA, and that the terms adequately protect the Complainant. Furthermore, I

believe it is in the public interest to approve the Settlement Agreement as a basis for administrative disposition of this case, and I therefore approve the Settlement Agreement and General Release.

IT IS THEREFORE ORDERED that the Settlement Agreement and General Release submitted by the parties is **APPROVED**. The complaint is **DISMISSED WITH PREJUDICE**. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor and may be enforced under 29 C.F.R. § 1982.113 (2012).

IT IS FURTHER ORDERED that the Settlement Agreement is to be kept under seal and designated as “PERSONAL PRIVATE INFORMATION,” and “CONFIDENTIAL COMMERCIAL INFORMATION” under 29 C.F.R. § 70.26, and shall be afforded the protections thereunder.

Steven D. Bell
Administrative Law Judge