

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 August 2016

CASE NO. 2016-STA-20

In the Matter of:

CHARLES FERGUSON,
Complainant

v.

FARMERS PROPANE, INC, ET AL,
Respondent

ORDER APPROVING SETTLEMENT AGREEMENT AND GENERAL RELEASE

This matter arises from a complaint filed under the employee protection provisions of the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105, as amended by Pub. L. No. 110-53 and its implementing regulations at 29 C.F.R. Part 1978. The claim was referred to the Office of Administrative Law Judges for formal hearing upon complainant, Charles Ferguson's ("complainant") December 29, 2015 filing of Objections to the December 4, 2015, findings of the Secretary of Labor's, Occupational Safety and Health Administration (OSHA), that there was no reasonable cause to believe Respondent violated the STAA.

A formal hearing was scheduled to commence July 12, 2016 in Morgantown, West Virginia. Prior to the scheduled hearing however, the parties notified the undersigned that they settled the case. As a result, on July 6, 2016, I issued an Order cancelling the scheduled hearing and directing the parties to submit their settlement agreement for approval, by August 12, 2016. On August 12, 2016, I received the parties Joint Motion to Approve Settlement Agreement and General Release and its accompanying Settlement Agreement with Joint Release.

Pursuant to 29 C.F.R. § 1978.111(d)(2), I must approve the settlement agreement. In reviewing the settlement agreement, the Administrative Law Judge (ALJ) must determine whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that Respondent violated the STAA and are not against public policy. *See, Edmisten v. Ray Thomas Petroleum*, No. 10-020, 2009 WL 5178504 (ARB Dec. 16, 2009). Once the settlement agreement is approved, it becomes the final action of the Secretary and may be enforced pursuant to 29 C.F.R. § 1978.111(e).

I have reviewed the administrative record and the Settlement Agreement with General Release executed by the parties. Based on my review, I find the Settlement Agreement with General Release to be fair, reasonable and adequate and have determined that it constitutes a fair,

adequate and reasonable settlement of the complaint and is in the public interest. Thus, the Settlement Agreement with General Release complies with the standards required under the STAA and is APPROVED.

Accordingly, it is **ORDERED** that:

1. The parties joint motion to approve Settlement Agreement and General Release is **GRANTED** and the accompanying Settlement Agreement with General Release **is APPROVED**; and
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

So Ordered.

NATALIE A. APPETTA
Administrative Law Judge