



Issue Date: 21 July 2016

Case No.: 2016-STA-00013

In the Matter of

RICHARD LEE GREEN, JR.,
Complainant

v.

E. W. WYLIE CORPORATION
Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT, DISMISSING COMPLAINT
WITH PREJUDICE, AND CANCELING HEARING**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (“STAA” or “Act”), and the implementing regulations at 29 C.F.R. Part 1978. On July 12, 2016, the parties filed a Stipulation for Approval of Settlement, Withdrawal of Objections, and Dismissal with Prejudice, and submitted for my approval a Settlement Agreement and Mutual Release (“Settlement Agreement”), signed by the Complainant and a representative of the Respondent Company.

Pursuant to Section 31105(b)(2)(C) of the Act, “[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation” under regulations implementing the STAA. The parties may settle a case at any time after the filing of objections to the Secretary’s findings “if the participating parties agree to a settlement and the settlement is approved by the ALJ” if the case is before the ALJ. 29 C.F.R. §1978.111(d)(2).

I find the executed Settlement Agreement, incorporated herein by reference, to be fair, adequate, reasonable, and in the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the STAA. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the terms of the agreement pertaining to Complainant’s STAA case.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality I will have the settlement agreement sealed. However, notwithstanding the parties’ agreement, the parties’ submissions, including the settlement

agreement, become part of the record of the case and are subject to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

Accordingly, the Parties’ Settlement Agreement is **APPROVED**, and the above-captioned matter is hereby **DISMISSED** with prejudice. Additionally, the hearing scheduled for November 2, 2016, is **CANCELED**.

SO ORDERED.

JOSEPH E. KANE
Administrative Law Judge