



**Issue Date: 09 January 2017**

CASE NO. 2016-STA-64

In the Matter of:

GREG JENKINS,  
Complainant

v.

THORNTON TRUCKING,  
Respondent

**ORDER APPROVING SETTLEMENT AGREEMENT**

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 the filing of Objections to the findings of the Secretary of Labor's, Occupational Safety and Health Administration (OSHA), that there was reasonable cause to believe Respondent violated the STAA.

A formal hearing was scheduled to commence November 30, 2016, in Hollidaysburg, Pennsylvania. Prior to the scheduled hearing however, the parties notified the undersigned that they settled the case. As a result, on November 21, 2016, I issued an Order cancelling the scheduled hearing and directing the parties to submit their settlement agreement for approval. On January 4, 2017, I received the parties Motion for Approval of Settlement Agreement and the accompanying Settlement Agreement.

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 executed by the parties. Based on my review, I find the Settlement Agreement 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 complies with the standards required under the STAA and is APPROVED.

Accordingly, it is **ORDERED** that:

1. The parties Motion to Approve Settlement Agreement is **GRANTED** and the accompanying Settlement Agreement is **APPROVED**; and
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

**NATALIE A. APPETTA**  
Administrative Law Judge