



**Issue Date: 17 November 2016**

CASE NO.: 2016-STA-76

In the Matter of:

MARTIN JOHNSON,  
Complainant

v.

WHITING DOOR AND MANUFACTURING CORP.,  
Respondent

**ORDER APPROVING STIPULATION AND ORDER  
OF WITHDRAWAL AND VOLUNTARY DISMISSAL WITH PREJUDICE**

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, Martin Johnson's ("complainant") September 10, 2016 filing of Objections to the September 1, 2016, 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.

Before a formal hearing could be scheduled, the undersigned received, via letter dated November 11, 2016, the parties Confidential Settlement Agreement, Waiver, and General Release, for approval and issuance of an order formally dismissing the case. The basis for the request is that the parties settled the matter. I construe the complainant's request for withdrawal as a request for withdrawal of objections to OSHA's findings. Accordingly, pursuant to 29 C.F.R. § 1978.111(c) as the withdrawal of objections is based on the settlement agreement, 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 Confidential Settlement Agreement, Waiver, and General Release executed by the parties. Based on my review, I find the Confidential Settlement Agreement, Waiver, and 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 Confidential Settlement Agreement, Waiver, and General Release complies with the standards required under the STAA and is APPROVED.

Accordingly, it is **ORDERED** that:

1. The Confidential Settlement Agreement, Waiver, and General Release is **APPROVED**;
2. The complainant's objections to the OSHA findings are withdrawn; and
3. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

DREW A. SWANK  
Administrative Law Judge