

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 22 December 2016

CASE NO.: 2016-STA-34

IN THE MATTER OF

RANDAL LANDMAN

Complainant

v.

**FREE TRUCKING, LLC,
DAVID FREE, and
CHRISTOPHER OESTREICH**

Respondents

**ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING CASE**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C.A. §31105 (West 2008), (herein STAA) and the implementing regulations at 29 C.F.R. Part 1978. The parties have filed a request for approval of their settlement agreement and withdrawal of the complaint with prejudice.

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 such settlement is approved by the Administrative Review Board. . . or the ALJ." 29 C.F.R. §1978.111(d)(2). Under the STAA a settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, and reasonable, and in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993).

Consistent with that required review, the regulations direct the parties to file a copy of the settlement "with the ALJ or the Administrative Review Board as the case may be." *Id.*

I have carefully reviewed the parties' settlement agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest, and it is hereby approved. 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 Complainants' STAA Case.

Finally, Respondent has agreed to pay attorney's fees in the amount of \$5,000.00 to Counsel for Complainant, Paul Taylor, Esq., which is hereby approved.

Accordingly, **IT IS ORDERED** the settlement agreement be approved and the instant complaint be dismissed with prejudice.

ORDERED this 22nd day of December, 2016, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge