

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 18 July 2016

CASE NO. 2016-STA-22

In the Matter of:

MARCUS R. RIDDELL,
Complainant

v.

ENVIRONMENTAL PRODUCTS & SERVICES OF VERMONT, INC.,
Respondent

**ORDER APPROVING GENERAL RELEASE AND SETTLEMENT AGREEMENT,
CANCELLING HEARING, WITHDRAWING OBJECTIONS AND DISMISSING
COMPLAINT**

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, Marcus Riddell's ("complainant") March 3, 2016 filing of Objections to the February 8, 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. A formal hearing is scheduled to commence at 9:00 AM on Tuesday, August 2, 2016 in Harrisburg, Pennsylvania.

On July 11, 2016, Complainant submitted a letter requesting that the matter be withdrawn and file administratively closed. The basis for the request is that the parties settled the matter. Shortly thereafter, the parties submitted the executed General Release and Settlement Agreement ("settlement agreement"). 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 General Release and Settlement Agreement executed by the parties. Based on my review, I find the General Release and 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 General Release and Settlement Agreement complies with the standards required under the STAA and is APPROVED.

Accordingly, it is **ORDERED** that:

1. The General Release and Settlement Agreement is **APPROVED**;
2. The hearing scheduled to begin August 2, 2016, in Harrisburg, Pennsylvania is **CANCELLED**;
3. The complainant's objections to the OSHA findings are withdrawn; and
4. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

NATALIE A. APPETTA
Administrative Law Judge