



Issue Date: 08 June 2016

OALJ Case No.: 2016-STA-00011
OSHA Case No. 9-3290-14-017

In the Matter of:

**ASSISTANT SECRETARY OF LABOR
FOR OCCUPATIONAL SAFETY & HEALTH,**
*Prosecuting Party,*¹

and

HERBERT ALEXANDER,
Complainant,

v.

**SKYWAY TRUCKING SCHOOL,
SKYWAY, INC., AND SKYWAY
GROUP OF COMPANIES, INC.,**
Respondents.

**DECISION AND ORDER APPROVING SETTLEMENT AND
DISMISSING COMPLAINT WITH PREJUDICE AND
ORDER CANCELLING HEARING**

This is a case brought under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105, as amended (the “STAA”), and the applicable regulations at 29 C.F.R. Part 1978. This matter is currently set for hearing in Long Beach, California, on August 23, 2016 at 9:00 a.m, continuing if necessary through August 24, 2016. On May 11, 2016, I received the Prosecuting Party’s Motion for Entry of Settlement Agreement and Dismissal of Case (the “Motion”), along with the parties’ Settlement Agreement. On June 2, 2016, I received another copy of those two documents, as well as a copy of a consent judgement in the federal court action entitled *Secretary of Labor v. Skyway, Inc., et al.*, No. 5:15-cv-01995 ODW (SPx) (C.D. Cal. May 12, 2016).

¹ I have amended the caption of this matter to reflect the Prosecuting Party’s involvement.

Under 29 C.F.R. § 1978.111(d)(2), if a matter is before an administrative law judge, a settlement must be approved by that administrative law judge. I must therefore review the Settlement Agreement to determine if I should approve it.

The Settlement Agreement provides for a total settlement amount of \$15,000.00 payable to Complainant. I have reviewed the Settlement Agreement and find that it was entered into voluntarily and not under duress, that it constitutes a fair, adequate, and reasonable settlement of Complainant's allegations that Respondents violated the STAA, and that it is in the public interest. Accordingly, the Settlement Agreement is APPROVED and this proceeding, OALJ Case No. 2016-STA-00011, is DISMISSED WITH PREJUDICE.

The terms and conditions of the Settlement Agreement are hereby adopted, approved, and incorporated by reference into this decision and order.

The hearing of this matter currently set for Long Beach, California, on August 23, 2016 at 9:00 a.m, continuing if necessary through August 24, 2016, is CANCELLED.

SO ORDERED.

PAUL R. ALMANZA
Administrative Law Judge

Washington, D.C.