



**Issue Date: 30 September 2016**

**OALJ Case No. 2016-STA-00006**  
**OSHA Case No. 5-1260-14-153**

*In the Matter of:*

**ISHMAEL SPILLER,**  
*Complainant,*

v.

**USA PROVISION CORPORATION**  
**and ALONZO GOLDSTON,**  
*Respondents*

**DECISION AND ORDER APPROVING SETTLEMENT**  
**AGREEMENT AND DISMISSING COMPLAINT**

This proceeding arises from a claim of whistleblower protection under the Surface Transportation Assistance Act (STAA), as amended.<sup>1</sup> On September 17, 2014 the Complainant filed a complaint alleging that Respondent violated the STAA. On September 23, 2016, the parties submitted a “Settlement Agreement and Release of Claims” (hereafter the “Agreement”), which resolves all issues raised in the Complaint, for review and approval by the undersigned administrative law judge. The Agreement is attached hereto and is incorporated herein by reference. The Agreement has been signed by the parties. I have the authority to approve the Agreement pursuant to 29 C.F.R. § 1978.111(d)(2).

My review of the Settlement Agreement is limited to a determination of whether its terms are fair, adequate and reasonable. The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest. The Agreement may encompass settlement of matters under laws other than the STAA; however, I approve only those terms of the Agreement pertaining to the Complainant’s claim under the STAA.

---

<sup>1</sup> 49 U.S.C. § 31105 (2013).

After consideration of the Settlement Agreement, I find that the terms and conditions are fair, adequate and reasonable under the Act, and that the terms adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement Agreement as a basis for administrative disposition of this case, and I therefore approve the Agreement.

**IT IS THEREFORE ORDERED** that the settlement agreement submitted by the parties is **APPROVED**. In accordance with the terms of the Agreement, the complaint is hereby **DISMISSED** with prejudice. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor and may be enforced pursuant to 49 U.S.C. § 31105(e).

LARRY A. TEMIN  
ADMINISTRATIVE LAW JUDGE