



Issue Date: 25 September 2017

CASE No.: 2016-STA-00074

In the Matter of:

C. DENNIS SIMION, JR.,
Complainant,

v.

TWIN BEAR EXPRESS, LLC, ET AL,¹
Respondents.

ORDER GRANTING MOTION FOR CONSENT FINDINGS AND ORDER

This matter was scheduled for hearing on June 14, 2017, in Saint Paul, MN. After the hearing commenced, the parties agreed to settle the case without a hearing. On September 21, 2017, the Representative for Complainant filed a Joint Motion for Consent Findings and Order, in which the parties requested that I adopt the consent findings contained therein and issue an order disposing of this matter.

I have reviewed the proposed findings, which are attached as an enclosure to this Order, and I hereby **ACCEPT AND ADOPT** the parties' proposed findings 1-25. I also note that the agreement between the parties complies with the requirements set forth at 29 C.F.R. § 18.71(b). Accordingly, I hereby enter the following **ORDER** with the consent of the parties:

- Respondents Twin Bear Express, LLC, and Pamela Ellenberger will pay to Complainant \$13,333.33 in compensatory damages for emotional distress and mental pain;
- Respondents Twin Bear Express, LLC, and Pamela Ellenberger will pay Truckers Justice Center \$6,666.67 for attorneys' fees and costs associated with representation of Complainant;

¹ Complainant also named Pamela Ellenberger, Ed Berry, and Rachel Pressley in his complaint as respondents.

- Respondents will expunge all references to Complainant's protected activity from its personnel records and will provide a neutral reference—confirming period of employment and any information required by 49 C.F.R. § 391.23—in response to any inquiries from potential employers about Complainant;
- Complainant's complaint and amended complaints are dismissed with prejudice as to Respondents Ed Berry and Rachel Pressley.²

SO ORDERED:

WILLIAM T. BARTO
Administrative Law Judge

² The proposed findings also included paragraph 26.E., which stated in full: "Any other relief sought in Complainant's complaint and amended complaints, not"; I do not consider this sentence fragment to be a part of this Order, and accordingly it has no legal effect. If this was not the intent of the parties, any motion for reconsideration of this Order must be filed no later than 10 days after service on the moving party. See 29 C.F.R. § 18.93.