



Issue Date: 30 May 2017

CASE NO.: 2017-STA-00029

IN THE MATTER OF:

ADRIANO KRUEL BUDRI
Complainant

v.

BCB TRANSPORT, LLC
Respondent

APPEARANCES:

ADRIANO KRUEL BUDRI, *pro se*
On Behalf of Complainant

KIMBERLY FITZPATRICK, Esq.
On Behalf of Respondent

BEFORE: CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT WITH PREJUDICE

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (“STAA” or “Act”), and the implementing regulations at 29 C.F.R. Part 1978. By email and letter dated May 23, 2017, the parties filed a Joint Motion to Approve Settlement and submitted a Settlement Agreement and Mutual Release (“Settlement Agreement”).

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 the settlement is approved by the ALJ” if the case is before the ALJ. 29 C.F.R. § 1978.111(d)(2). A settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, reasonable, and

in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec’y Feb. 18, 1993).

I have carefully reviewed the executed Settlement Agreement, incorporated herein by reference, and have determined that is in the public interest. While I note that an attorney does not represent Mr. Budri, I nonetheless find the Agreement to be fair, adequate, and reasonable. Therefore, I grant the parties’ Joint Motion to Approve Settlement.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I will have the settlement agreement sealed. However, notwithstanding the parties’ agreement, the parties’ submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

Accordingly, the Parties’ Settlement Agreement is **APPROVED**, and the above-captioned matter is hereby **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that the hearing scheduled on **September 12-13, 2017** in Fort Worth, Texas is hereby **CANCELLED**.

SO ORDERED this 30th day of May, 2017, at Covington, Louisiana.

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE