



**Issue Date: 09 August 2017**

Case No.: 2017-STA-00040

*In the Matter of:*

DIANA HARMON,

Complainant,

v.

COVENANT TRANSPORT, INC.,

Respondent.

**ORDER APPROVING SETTLEMENT AGREEMENT**  
**AND ORDER CANCELING HEARING**  
**AND ORDER OF DISMISSAL**

This case arises under the employee protection provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, Section 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 ("STAA"). On August 7, 2017, the parties submitted a Confidential Settlement Agreement and Release of All Claims for review, together with Complainant's Unopposed Motion to Approve Settlement and Dismiss Proceeding With Prejudice. Upon review of the settlement agreement, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest.

The settlement includes a General Release (paragraph 5) releasing or disposing of claims in addition to the claim brought under the STAA. My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves Ms. Harmon's complaints under the STAA. My approval should not be construed as approving the resolution of any claims brought under any other federal statute or under state law. This reservation is not intended to address the effectiveness of the settlement or release with respect to other claims, and the parties are not precluded from raising the settlement agreement in the course of other proceedings, if any arise.

The parties agree that the terms of the settlement agreement shall be kept confidential and request that the Settlement Agreement "be sealed in a separate envelope and designated as 'PERSONAL PRIVATE INFORMATION' and 'CONFIDENTIAL COMMERCIAL INFORMATION' and afforded the protections under 29 C.F.R. § 70.26(b)." The Freedom of

Information Act (FOIA) requires federal agencies to disclose requested documents unless they are exempt from disclosure. *Faust v. Chemical Leaman Tank Lines, Inc.*, Case Nos. 92-SWD-2 and 93-StA-15, ARB Final Order Approving Settlement and Dismissing Complaint, March 31, 1998. The records in this case are agency records which must be made available for public inspection and copying under the Freedom of Information Act. Consistent with the parties' request, however, the parties will be provided a pre-disclosure notification giving them the opportunity to challenge any such potential disclosure. In the event the Agreement is disclosed pursuant to FOIA, such disclosure is not a violation of the agreement and will not result in a violation of the agreement.

Accordingly, with the reservations noted above and limiting my approval to the complaints brought under STAA, **IT IS ORDERED:**

1. The settlement agreement between the parties submitted on August 7, 2017, is **APPROVED**;
2. The formal hearing in this matter scheduled for September 19-21, 2017, in Asheville, North Carolina, is hereby **CANCELED**; and
3. This matter is **DISMISSED** with prejudice.

**SO ORDERED.**

**MONICA MARKLEY**  
Administrative Law Judge

MM/jcb  
Newport News, VA