

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 05 February 2018

Case No.: 2017-STA-00045

In the Matter of

**ASSISTANT SECRETARY OF LABOR FOR
OCCUPATIONAL SAFETY AND HEALTH**

Prosecuting Party

and

DORSON HESS

Complainant

v.

LEIBY TRUCKING, INC. AND BRIAN MILLER

Respondent

FINAL ORDER APPROVING SETTLEMENT AND DISMISSING CASE

This matter arises under the “whistleblower” employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982 (the Act), as amended, 49 U.S.C. § 31105 (formerly 49 U.S.C. § 2305), and its implementing regulations, 29 C.F.R. part 1978, pursuant to a complaint filed on August 11, 2016 by Complainant, Dorson Hess, against Respondent, Leiby Trucking, Inc. and Brian Miller.

On February 1, 2018, this office received “Complainant’s Unopposed Motion To Approve Settlement And Dismiss Proceeding With Prejudice,” along with a document entitled “Confidential Settlement Agreement And General Release” (referred to herein as “Settlement Agreement”).

The terms of the parties’ Settlement Agreement have been reviewed and determined to constitute a fair, adequate, and reasonable settlement of the complaint.

Accordingly, it is hereby ORDERED that the Settlement Agreement be APPROVED and the Complaint be DISMISSED with prejudice.

LYSTRA A. HARRIS
Administrative Law Judge

Cherry Hill, New Jersey