



Issue Date: 22 November 2017

CASE NO.: 2017-STA-00048

In the Matter of:

ROY NELSON JR.,
Complainant,

vs.

C.R. ENGLAND, INC.,
Respondents.

DECISION AND ORDER APPROVING SETTLEMENT AND DISMISSING CASE

This matter arises out of a whistleblower complaint filed by Roy Nelson Jr. (“Complainant”) against his former employer, C.R. England, Inc. under the employee protection provisions of the Surface Transportation Assistance Act, 49 U.S.C. § 31105 (“STAA”). It was scheduled for hearing before me on October 19, 2017, in Phoenix, Arizona, but on October 6, 2017, I vacated the hearing after being informed by the parties that they had reached a settlement. I ordered the parties to submit a signed settlement for my review and approval by November 13, 2017.

On November 15, 2017, Complainant filed an Unopposed Motion to Approve Settlement and Dismiss Proceeding With Prejudice as well as the signed settlement agreement. Per 29 C.F.R. § 1978.111(d)(2), while a complaint under the STAA is pending at the Office of Administrative Law Judges, the parties may agree to a settlement if the settlement is approved by the Administrative Law Judge. An approved settlement then becomes the final order of the Secretary. 29 C.F.R. § 1978.111(e).

After reviewing the settlement agreement I developed concerns about the comparative amounts being paid to Complainant and Complainant’s counsel and asked my law clerk to arrange for a teleconference with the parties. On November 20, 2017, Complainant’s counsel filed a Declaration in Support of Motion to Approve Settlement Agreement that further explained the circumstances of the case and the settlement, including Complainant’s quick return to employment (and correspondingly small amount of damages), the non-financial relief provided for in the agreement, and Complainant’s desire for closure. The settlement was further discussed during a conference call later on November 20, 2017.

Given the additional information provided by counsel, my concerns about the allocation of payments have been allayed. I find that the settlement agreement appears to be reasonable, adequate and not the result of duress. Accordingly, Complainant’s Unopposed Motion to

Approve Settlement and Dismiss Proceeding With Prejudice is GRANTED and the settlement agreement is hereby APPROVED. The settlement agreement shall be the final order of the Secretary. The parties are ORDERED to implement the terms of the approved settlement agreement which are incorporated by reference into this Decision and Order. It is further ORDERED that this case is DISMISSED with prejudice.

Jennifer Gee
Administrative Law Judge