



Issue Date: 06 September 2018

CASE NO.: 2018-STA-40

IN THE MATTER OF

JOHN DUKE
Complainant

v.

ON3 LOGISTICS, LLC
Respondent

**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 letter dated 7 Aug 18, the parties filed a Motion to Approve Settlement and Dismiss Case 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. § 1978.11 l(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 find the executed Settlement Agreement, incorporated herein by reference, to be fair, adequate, reasonable, and in the public interest. My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the terms of the agreement pertaining to Complainants' STAA Case.

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.

In view of the foregoing, the hearing scheduled on **11 Feb 19** in **Amarillo, Texas** is hereby **CANCELLED**.

ORDERED this 6th day of September, 2018, at Covington, Louisiana.

PATRICK M. ROSENOW
ADMINISTRATIVE LAW JUDGE