



Issue Date: 24 May 2018

CASE NO.: 2018-STA-00016

IN THE MATTER OF

CASSIE EDWARDS

Complainant

v.

FAIRWAY TRANSPORT, LLC

Respondent

APPEARANCES:

JULIA LOVE TAYLOR, Esq.
On Behalf of Complainant

JOEL P. BABINEAUX, 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 letter dated May 21, 2018, 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. § 1978.111(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 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.

SO ORDERED this 24th day of May, 2018, at Covington, Louisiana.

CLEMENT J. KENNINGTON
ADMINISTRATIVE LAW JUDGE