



Issue Date: 25 June 2019

Case No.: 2018-STA-00035

In the Matter of:

JOHN C. HULINGS,

Complainant,

v.

CUMMINS, INCORPORATED,

Respondent.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

ORDER DISMISSING COMPLAINT WITH PREJUDICE

This matter arises from a complaint filed under the provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (“STAA”) and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 1978.

By letter received June 20, 2019, the Parties advised that they settled the case and submitted the Confidential Settlement Agreement and General Release.

Implementing Federal regulations at 29 CFR §1978.111(d)(2) provides that “At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the Administrative Law Judge, if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement agreement must be filed with the administrative law judge or the ARB, as the case may be.” In reviewing the Settlement Agreement, the Administrative Law Judge must determine whether the terms of the agreement fairly, adequately and reasonably settle the Complainant’s allegations that the Respondent violated the STAA. See Edmisten v. Ray Thomas Petroleum, ARB No. 10-020, ALJ No. 2009-STA-36 (ARB Dec. 16, 2009); Thompson v. G&W Transportation Co., Inc., 90-STA-25 (Sec’y

Oct.24, 1990) Once the settlement agreement is approved, it becomes the final action of the Secretary, 29 CFR §1978.111(e).

After review of the Settlement Agreement and the administrative record, this Administrative Law Judge finds that the Settlement Agreement complies with the standard required under the STAA and is approved.

ORDER

Accordingly, it is **ORDERED** that:

1. The Settlement Agreement is **APPROVED**.
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

DANA ROSEN
Administrative Law Judge

DR/mjw
Newport News, Virginia