



Issue Date: 11 October 2018

OALJ Case No.: 2018-STA-00015
OSHA Case No.: 4-1510-16-058

In the Matter of:

JAMES MAXWELL,
Complainant,

v.

FIELDS TRUCKING, LLC, LANDSTAR RANGER, INC.,
JOHN FIELDS AND MELINDA SUE FIELDS,
Respondents.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT, DISMISSING CLAIM, AND SEALING SETTLEMENT DOCUMENTS

1. Nature of Request. This proceeding arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982, as amended and recodified, 49 U.S.C. § 31105 (hereinafter the “STAA” or “Act”) and the regulations promulgated thereunder at 29 C.F.R. Part 1978. Section 405 of the STAA protects employees from discharge, discipline and other forms of retaliation for engaging in protected activity. Pursuant to 29 C.F.R. § 1978.111, the parties submitted a proposed settlement agreement for the undersigned’s approval.

2. Procedural History, Findings of Fact, and Legal Conclusions.

a. Complainant filed a complaint on with the Occupational Safety and Health Administration (OSHA) alleging Respondent committed discrimination prohibited by the STAA. Respondents filed a response to the complaint in which they denied liability. The undersigned issued a Notice of Case Assignment and Prehearing Order on February 6, 2018.

b. On October 4, 2018, the parties filed a “Confidential Settlement Agreement and General Release” for the undersigned’s approval.¹ The parties requested that the Settlement Agreement not be filed in the public record. The Settlement Agreement was signed in counterpart by each of the parties.

¹ 29 C.F.R. § 1978.111(d)(1) states that at any time after the filing of a STAA complaint and before the findings and/or order are objected to or become a final order by operation of law, the case may be settled if the Assistant Secretary, the complainant, and the respondent agree to a settlement. Under the STAA, a settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, and reasonable, and in the public interest. *Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-00036 (ARB Dec.

c. The Settlement Agreement contains confidential financial information pertaining to the terms of payment to Complainant.

d. Having been advised of the settlement terms and having reviewed the Settlement Agreement, noting that the parties are represented by counsel, the undersigned finds the terms to be fair, adequate, reasonable, and not contrary to public policy.

3. Ruling and Order.

a. The Settlement Agreement is APPROVED and may be enforced pursuant to 9 C.F.R. § 1978.111(e). The parties shall implement the terms as stated in the Settlement Agreement, to the extent not otherwise accomplished. This Order shall have the same force and effect as one made after a full hearing on the merits.

b. The parties have agreed to keep the specific terms of the Settlement Agreement confidential pursuant to 29 C.F.R. § 70.26. Accordingly, the Settlement Agreement shall be sealed, remain confidential, and placed in a sealed envelope in the administrative file.

c. 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 respond and decide whether to exercise its discretion to claim any applicable exemption. The parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

d. This case is DISMISSED with prejudice.

SO ORDERED this 11th day of October, 2018, at Covington, Louisiana.

TRACY A. DALY
ADMINISTRATIVE LAW JUDGE

16, 2009). Consistent with this required review, the regulations direct the parties to file a copy of the settlement "with the ALJ or the Administrative Review Board, United States Department of Labor, as the case maybe." 29 C.F.R. 1978.111(d)(2).