



Issue Date: 16 August 2018

Case No.: 2018-STA-00021

In the Matter of:

PETER METZGER,
Complainant,

v.

LANTER DISTRIBUTING, LLC,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

The above-captioned case arises under the whistleblower protection provisions of the Surface Transportation Assistance Act of 1982 (“STAA” or the “Act”), 49 U.S.C. § 31105, and the corresponding regulations found at 29 C.F.R. Part 1978. It was scheduled for hearing in Nashville, Tennessee on June 5, 2018, but was cancelled by order issued on April 5, 2018 upon notice that the parties had elected to engage in mediation. On June 15, 2018, I issued an order concluding mediation upon notice that the parties had reached a settlement, and directed the parties to submit the settlement agreement to the Court. On August 8, 2018, counsel for Complainant submitted a fully executed copy of the *Confidential Settlement Agreement and General Release* (“Settlement Agreement”).

The STAA and implementing regulations provide that proceedings may be terminated on the basis of a settlement if either the Secretary or the Administrative Law Judge approves the settlement. 49 U.S.C. § 31105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). 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. 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 may be.” 29 C.F.R. 1978.111(d)(2). Any settlement approved by the Assistant Secretary, the ALJ or the ARB constitutes the final order of the Secretary and may be enforced pursuant to § 1978.113. 29 C.F.R. § 1978.111(e).

Having reviewed the Settlement Agreement and its provisions, which includes dismissal of the complaint with prejudice, I find the terms, obligations, and conditions fair, adequate and

reasonable, and in the public interest. I also find that the settlement was not procured through duress.¹ Accordingly, I approve the parties' Settlement Agreement.² To the extent not otherwise done so, the parties shall implement the terms of the approved settlement as specifically stated in the agreement.

ORDER

The settlement agreement is APPROVED and this matter is DISMISSED with prejudice.

SO ORDERED:

STEPHEN R. HENLEY
Chief Administrative Law Judge

¹ I find that Complainant and Respondent were ably represented by counsel.

² This approval applies only to the STAA complaint over which the Office of Administrative Law Judges has jurisdiction.