



Issue Date: 13 March 2020

Case No.: 2019-STA-00057

In the Matter of

GARY BEAN,
Complainant

v.

SAIA LTL FREIGHT,
Respondent

**ORDER APPROVING JOINT MOTION FOR
APPROVAL OF CONFIDENTIAL SETTLEMENT**

This matter arises under the “whistleblower” employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982 (the Act), as amended, 49 U.S.C. § 31105 (formerly 49 U.S.C. § 2305), and its implementing regulations, 29 C.F.R. part 1978.

On March 11, 2020, the parties submitted a Joint Motion for Approval of Confidential Settlement and Release Agreement (“Settlement Agreement”). The submission includes a full copy of the executed Settlement Agreement, signed by Complainant and by Respondent as well as counsel for Respondent. Complainant is a self-represented litigant.

This Tribunal finds that the proposed Settlement Agreement is proper and approves it with some caveats.

First, the language in paragraph 3 of the proposed Settlement Agreement states that Complainant waives and releases Respondent (and its “Company Releases”) from potential claims. The language set forth in that paragraph exceeds the statute involved in this action. *See* Paragraph 3 of Settlement Agreement. The Tribunal limits its review to the asserted whistleblower claims only as anything beyond that limitation exceeds this Tribunal’s jurisdiction

Second, the Settlement Agreement provides that the Settlement Agreement will be governed by the laws of the State of Texas. *See* Paragraph 18 of Settlement Agreement. Per 49 U.S.C. § 42121(b)(6), the appropriate United States District Court shall have jurisdiction, without regard to the citizenship of the parties, to enforce final orders issued under the Department of Labor’s complaint procedure. To the extent paragraph 18 is inconsistent with this statute, that paragraph is void and unenforceable.

Order

The undersigned has reviewed the Agreement and finds it fair and reasonable. The Agreement is not contrary to the public interest, and it was not procured under duress. Accordingly, pursuant to 29 C.F.R. § 1978.111(d)(2), the undersigned APPROVES the Agreement. In light of the undersigned's approval of the parties' Agreement, the undersigned DISMISSES the complaint.

However, the parties are advised that this Tribunal does not bind the parties to the provisions in Paragraphs 3 and 18 that are beyond its jurisdiction.

SO ORDERED

SCOTT R. MORRIS
Administrative Law Judge

Cherry Hill, New Jersey