

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
COVINGTON DISTRICT OFFICE**

Issue Date: 13 February 2023

In the Matter(s) of:

STEPHEN COTTIER,
Complainant,

v.

BAYOU CONCRETE PUMPING, LLC,
Respondent(s).

CASE NO(S): 2019-STA-46

PATRICK M. ROSENOW
District Chief Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT

This claim was filed under the Surface Transportation Assistance Act (the Act)¹, and regulations promulgated thereunder,² which are employee protective provisions. The decision and order was issued and Complainant appealed. On 18 Jan 22, the Benefits Review Board (“BRB”) remanded the case back to this office for further adjudication. The Covington District Office lacked jurisdiction of the matter until the official file was received from the BRB. Upon receipt of the file, I issued a briefing order to the parties. On 27 Sep 22, the parties filed a Joint Motion to Stay the briefing deadlines as they had entered into mediation in an attempt to resolve this matter. On 9 Feb 23, Complainant filed a Motion to Approve Settlement and Dismiss.

In lieu of being afforded the opportunity to present evidence for and against this claim at a trial, the parties have represented that a compromise settlement of said claim has been reached and have submitted a written settlement agreement pursuant to the applicable provisions of the Act, as amended, and the governing regulations.

After careful review of the evidence of record, an evaluation of the merits of the claim, and the proposed settlement, and based upon Complainant’s representations that he is desirous of entering into said settlement after due and mature deliberations upon advice of counsel, I conclude this settlement is in Complainant’s best interest and was not procured under duress.

¹ 49 U.S.C. § 31105 et seq.

² 29 C.F.R. Part 1978.

ORDER

IT IS THEREFORE ORDERED AND ADJUDGED that Respondent pay unto Complainant and Complainant's attorney all sums agreed upon in the Section 8(i) Settlement Agreement. IT IS FURTHER ORDERED AND ADJUDGED that Respondent's liability under the Act arising out of the subject claim shall be forever discharged upon payment of the aforesaid amounts in accordance with the provisions of the Act.

So ORDERED in Covington, Louisiana, on February 13, 2023.

PATRICK M. ROSENOW
District Chief Administrative Law Judge