



Issue Date: 06 September 2019

Case No.: 2019-STA-00034

*In the Matter of:*

RYAN HILDEBRANT,  
*Complainant,*

v.

HARTWIG TRANSIT, INC.,  
and GERALD HARTWIG, Individually,  
*Respondents.*

**DECISION AND ORDER CANCELLING HEARING AND 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 is scheduled for hearing in Chicago, Illinois on September 12, 2019. On July 26, 2019, I received a *Notice of Settlement* from the counsel for Complainant, and on August 30, 2019, Complainant submitted a fully-executed settlement agreement along with a *Motion to Approve Settlement and Dismiss Proceeding With Prejudice*.

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.<sup>1</sup> Accordingly, I approve the parties' Settlement Agreement.<sup>2</sup> To the extent not otherwise done so, the parties shall implement the terms of the approved settlement as specifically stated in the agreement.<sup>3</sup>

**ORDER**

The hearing scheduled for September 12, 2019 in Chicago, Illinois is hereby CANCELLED. The settlement agreement is APPROVED and this matter is DISMISSED with prejudice.

**SO ORDERED:**

**STEPHEN R. HENLEY**  
Chief Administrative Law Judge

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<sup>1</sup> I find that Complainant and Respondent were ably represented by counsel.

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

<sup>3</sup> The parties have agreed that the terms of the settlement will be treated as confidential. The parties are afforded the right to request that information be treated as confidential commercial information where, as here, they are required to submit information involuntarily. 20 C.F.R. § 70.26(b) (2001). The DOL is then required to take steps to preserve the confidentiality of that information, and must provide the parties with predisclosure notification if a FOIA request is received seeking release of that information. Accordingly, the Settlement in this matter will be placed in an envelope marked "PREDISCLURE NOTIFICATION MATERIALS." Consequently, before any information in this file is disclosed pursuant to a FOIA request, the DOL is required to notify the parties to permit them to file any objections to disclosure. *See* 29 C.F.R. § 70.26 (2001).