



**Issue Date: 20 February 2020**

Case No.: **2019-STA-66**

*In the Matter of:*

DEBRA KAPLAN,  
Complainant,

v.

SHIPEX, INC.,  
Respondent.

**DECISION AND ORDER APPROVING CONFIDENTIAL SETTLEMENT**

This case arose under the whistleblower protection provisions of the Surface Transportation Assistance Act (“STA”). On February 18, 2020, counsel submitted for my review a signed “Confidential Settlement Agreement and General Release.” The Confidential Settlement Agreement and General Release has been signed by the Complainant.

My review of the Confidential Settlement Agreement and General Release is limited to a determination of whether its terms are fair, adequate and reasonable under the STA. The settlement must adequately protect the whistleblower. The settlement must not be contrary to public interest.

Because the Office of Administrative Law Judges is a government agency, and this is a public proceeding, the parties’ submissions in this case, including the Confidential Settlement Agreement and General Release, become a part of the record in this case, and are subject to the Freedom of Information Act (“FOIA”). FOIA requires agencies to disclose requested records unless they are exempt from disclosure under FOIA. The Settlement Agreement provides that both parties will keep the existence and terms of the Settlement Agreement confidential, with certain specified exceptions. The parties have stipulated to the confidential nature of the Settlement Agreement. Accordingly, to protect the parties from improper disclosure of this confidential information, to the furthest extent permitted by law, the Settlement Agreement will be sealed in a separate envelope and identified as being “CONFIDENTIAL COMMERCIAL AND PERSONAL PRIVATE INFORMATION” pursuant to 29 C.F.R. § 70.26(b).

After careful consideration of the Confidential Settlement Agreement and General Release, I find that the terms and conditions are acceptable. I find the terms of the agreement to be fair, adequate, and reasonable under the STA, and that the terms adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Confidential

Settlement Agreement and General Release as a basis for administrative disposition of this case, and I therefore approve the Confidential Settlement Agreement and General Release.

**IT IS THEREFORE ORDERED** that the Confidential Settlement Agreement and General Release submitted by the parties is **APPROVED**. Each of the parties of the Agreement is directed to immediately take all actions required in order to implement the terms of the Agreement. The complaint is **DISMISSED WITH PREJUDICE**. In accordance with the regulations, the settlement constitutes the final order of the Secretary of Labor and may be enforced under 29 C.F.R. § 1982.113 (2012).

**IT IS FURTHER ORDERED** that the Settlement Agreement is to be kept under seal and designated as “PERSONAL PRIVATE INFORMATION,” and “CONFIDENTIAL COMMERCIAL INFORMATION” under 29 C.F.R. § 70.26, and shall be afforded the protections thereunder.

Steven D. Bell  
Administrative Law Judge