



Issue Date: 21 May 2020

Case No.: 2020-STA-00024

In the Matter of:

CAINE K. HENRY,
Pro se Complainant,

v.

EVO TRANSPORTATION AND ENERGY SERVICES, INCORPORATED,
d/b/a URSA LOGISTICS,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

ORDER DISMISSING COMPLAINT WITH PREJUDICE

This proceeding arises from a complaint filed under the provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, §31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (“STAA”) and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 1978 and Part 18. The claim was referred to the Office of Administrative Law Judges for formal hearing upon appeal.

Formal hearing in this case was deferred for mediation proceedings and the Parties successfully engaged in mediation. On May 19, 2020, the Parties filed their Motion to Approve Settlement, and Settlement Agreement and General Release with the court.

Implementing Federal regulations at 29 CFR §1978.111(d)(2) provides that “At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ, if the case is before the judge, or by the ARB if the ARB has accepted the case for review. A copy of the settlement agreement must be filed with the administrative law judge or the ARB, as the case may be.” In reviewing the Settlement Agreement, the Administrative Law Judge must determine whether the terms of the agreement fairly, adequately and reasonably settle the Complainant’s allegations that the Respondent violated the STAA. See - *Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-36 (ARB Dec. 16, 2009); *Thompson v. G&W Transportation Co., Inc.*, 90-STA-25 (Sec’y October 24, 1990) Once the settlement agreement is approved, it becomes the final action of the Secretary, 29 CFR §1978.111(e).

After review of the Settlement Agreement and the administrative record, this Administrative Law Judge finds that the Settlement Agreement complies with the standard required under the STAA and is approved.

ORDER

Accordingly, it is **ORDERED** that –

1. The Settlement Agreement and the terms of the Settlement are **APPROVED**.
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

The court requests that this Order be served on the following parties by email: (1) Caine Henry, Pro Se Complainant, (2) A. Jack Finklea, Esq., counsel for the Respondent, (3) OSHA Regional Administrator.

DO NOT E-MAIL OR RESPOND TO THE SENDER'S E-MAIL ADDRESS.

E-MAILS SENT TO THE NEWPORT NEWS OFFICE OF ADMINISTRATIVE LAW JUDGES' E-MAIL ADDRESS (OALJ-NewportNews@DOL.GOV) WILL ONLY BE ACCEPTED DURING THE COVID-19 PANDEMIC.

SO ORDERED.

Dana Rosen
Administrative Law Judge

DR/mjw
Newport News, Virginia