

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Cincinnati, OHIO 45202
513-684-3252 – Office

Issue Date: 28 June 2023

CASE NO.: 2020-STA-00021
OSHA NO.: 5-1610-19-098

In the Matter of:

BRIAN TURRILL,
Complainant,

v.

T & T ENTERPRISES OF OHIO, INC., and TONY EGGLESTON,
Respondents.

DECISION AND ORDER APPROVING SETTLEMENT, DISMISSING COMPLAINT, AND CANCELING HEARING¹

This matter arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (“STAA”), 49 U.S.C. § 31105, and the regulations promulgated at 29 C.F.R. Part 1978. On May 13, 2019, Brian Turrill (the “Complainant”) filed a complaint against T&T Enterprises of Ohio, Inc., and Tony Eggleston (collectively the “Respondents”), alleging retaliation in violation of the STAA. On December 2, 2019, the Occupational Safety and Health Administration’s Regional Administrator issued the Secretary’s Findings dismissing the complaint. By letter dated December 10, 2019, the Complainant filed objections and requested a hearing pursuant to 29 C.F.R. § 1978.106.

This case was initially assigned to Judge Silvain and was transferred to me upon his departure. On April 3, 2023, a Notice of Hearing was issued setting the hearing on August 28, 2023. On June 14, 2023, the Complainant, by counsel, filed Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice, together with the confidential “Settlement Agreement and Release” (“Settlement”).²

¹ This Decision and Order has been formatted to substantially comply with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended (“Section 508”). Section 508 requires electronic and information technology procured, developed, maintained, and used by Federal departments and agencies to be accessible to and usable by people with disabilities, unless an exception applies.

² The parties have agreed that the terms of the Settlement are confidential. Consistent with 20 C.F.R. § 70.26 (2017) and Executive Order 12,600, “Predisclosure Notification Procedures for Confidential

The Settlement resolves the controversy arising from the Complainant's complaint under the STAA. The Complainant and the Respondents signed the Settlement. Moreover, the Settlement provides that the Complainant will release the Respondents from claims arising under the STAA. However, this Decision and Order is limited to whether the terms of the Settlement fairly, adequately, and reasonably settle the Complainant's allegations under the STAA.³

The Settlement provides that the Respondents shall make a payment to the Complainant in the agreed-upon amounts and that the Complainant will effectuate the dismissal of this matter. Having reviewed the Settlement in full and noting that the parties are represented by counsel, I find that the Settlement's terms are fair, adequate, reasonable, and consistent with public policy. Therefore, I hereby approve the Settlement. Upon issuance of this Decision and Order, the parties shall implement the terms of the Settlement. This Decision and Order shall have the same force and effect as one made after a full hearing on the merits and may be enforced pursuant to 29 C.F.R. § 1978.113.

Accordingly, it is hereby **ORDERED** that the Settlement Agreement and Release, filed on June 14, 2023, is **APPROVED** and may be enforced pursuant to 29 C.F.R. §1978.113. It is further **ORDERED** that this complaint is **DISMISSED WITH PREJUDICE** and the hearing scheduled on August 28, 2023, is **CANCELED**.

SO ORDERED.

Commercial Information" (Exec. Or. 12,600, 52 Fed. Reg. 23781, 3 C.F.R., 1988 Comp., 235), the materials contained in the Settlement will be placed in a confidential file. Moreover, in this Decision and Order, the undersigned has refrained from referencing any specific terms or dollar amounts contained in the Settlement. In general, confidential commercial information will be disclosed under the Freedom of Information Act ("FOIA") only in accordance with 20 C.F.R. § 70.26 and Executive Order 12,600. Pursuant to 20 C.F.R. § 70.26(a), a submitter of confidential commercial information must use good-faith efforts to designate any portions of its submission that it considers to be protected from disclosure under Exemption 4. The Department of Labor ("Department") will provide a submitter with prompt written notice of a FOIA request that seeks its confidential commercial information whenever required under 20 C.F.R. § 70.26(d), except as provided in 20 C.F.R. § 70.26(g), in order to give the submitter an opportunity to object in writing to disclosure of any specified portion of that information under paragraph 20 C.F.R. § 70.26(e). See 20 C.F.R. § 70.26.

³ As stated in *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order (Nov. 2, 1987), "the Secretary's authority over the settlement agreement is limited to such statutes as are within [the Secretary's] jurisdiction and is defined by the applicable statute." Consequently, my review of the Settlement is limited to determining whether its terms are a fair, adequate, and reasonable settlement of the Complainant's complaint under STAA.

JOSEPH E. KANE
ADMINISTRATIVE LAW JUDGE