

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 11 January 2022

ALJ NO.: 2020-STA-00072

In the Matter of:

TROY WADE,
Complainant,

v.

**UNIVERSAL TRUCKING SOLUTIONS, LLC;
JUAN RAMIREZ, JR.; MISAEL CENTENO; and
XPO LOGISTICS, LLC,**
Respondents.

**DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING CLAIM**

This proceeding arises from a complaint of discrimination filed under employee protection provisions of Section 405 of the Surface Transportation Assistance Act (“STAA”), as amended, 49 U.S.C.A. § 31105 (West 2008) and the procedural regulations found at 29 C.F.R. Part 1978 (2013).

On January 6, 2022, Complainant filed an Unopposed Motion to Approve Settlement and Dismiss Proceedings with Prejudice, and attached a copy of the Settlement Agreement and General Release (hereinafter the “Settlement”) for my review and approval pursuant to 29 C.F.R. §§ 1978.111(c) & (d)(2). The Settlement resolves all issues raised in the complaint and is incorporated herein by reference. The parties have requested that the Settlement remain confidential and be placed under seal.

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

as a basis for administrative disposition of this case, and I, therefore, approve the settlement pursuant to 29 C.F.R. § 1978.111(d)(2).

I find that the Settlement contains financial and business information that is privileged or confidential within the meaning of 5 U.S.C. § 552(b)(4). Therefore, good cause exists for restricted access and the filing containing the Settlement Agreement will be maintained in the segregated electronic email folder designated for confidential filings which allows for limited access by select individuals. *See* 29 C.F.R. § 18.85. The parties are advised that notwithstanding the confidential nature of the Settlement, all of their filings, including the Settlement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C.A. § 552 *et seq.* The Administrative Review Board has noted that:

If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine *at the time a request is made* whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.

Seater v. S. Cal. Edison Co., ARB No. 97-072, ALJ No. 1995-ERA-00013 at 2 (ARB Mar. 27, 1997) (emphasis added). Should disclosure be requested, the parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

Paragraph 14 of the Settlement provides that the terms of the agreement shall be governed by the laws of the State of Connecticut. This choice of law provision is construed as not limiting the authority of the Secretary of Labor and any Federal Court. *See Phillips v. Citizens. Assoc. for Sound Energy*, No. 1991-ERA-00025, slip op. at 2 (Sec’y Nov. 4, 1991).

I further note that my authority over settlement agreements is limited to the statutes that are within my jurisdiction as defined by the applicable statute. Therefore, I approve only the terms of the Settlement pertaining to Complainant’s STAA claim, Case No. 2020-STA-00072. *See Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007 (ARB Jan. 31, 2011).

ORDER

Accordingly, it is **ORDERED** that:

- (1) Complainant's Unopposed Motion is **GRANTED** and the parties' Settlement is **APPROVED**. The Settlement constitutes the final order¹ of the Secretary of Labor and may be enforced under 29 C.F.R. § 1978.113; and
- (2) The complaint of Troy Wade is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

JONATHAN C. CALIANOS
District Chief Administrative Law Judge

Boston, Massachusetts

¹ 29 C.F.R. § 1978.111(e).