

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

Issue Date: 16 February 2022

CASE NO.: 2021-STA-00001

In the Matter of:

ROBERT B. BYRNES,
Complainant,

v.

IT'S THE COWS, LLC,
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT WITH PREJUDICE**

This proceeding arises from a complaint filed under the Surface Transportation Assistance Act, 49 U.S.C. § 31105 (“STAA” or the “Act”), and the procedural regulations found at 29 C.F.R. Part 1978. On February 3, 2019, Complainant filed a complaint against Respondent, alleging that he was retaliated against in violation of STAA. On October 1, 2020, the Occupational Safety and Health Administration of the U.S. Department of Labor issued Secretary’s Findings, finding “no reason to believe Respondent violated the provisions provided by STAA”

On October 13, 2020, Complainant filed his Objections to the Secretary’s Findings, and requested a formal hearing. The matter was referred to the Office of Administrative Law Judges (“OALJ”) and assigned to me on November 17, 2020. The formal hearing, previously scheduled for December 1, 2021, was cancelled after the parties advised they had reached a settlement. On January 26, 2022, the parties filed their Joint Motion to Approve Settlement (“Motion”), which includes the basic terms of settlement and seeks dismissal of the case with prejudice. The terms are incorporated by reference and made a part of this Order approving the Settlement Agreement. The Settlement Agreement was signed by Complainant’s attorney, Paul O. Taylor, and by Respondent’s attorney, Donna Pryor.

Pursuant to § 31105(b)(2)(C) of the STAA, “[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.” Under regulations implementing the STAA, the parties may settle a case at any time after the filing of objections to the Assistant Secretary’s findings “if the participating parties agree to a settlement and the settlement is

approved by the ALJ . . . or by the ARB.” 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. *Rantz v. The Blake School*, ARB No. 2019-0017, 2019 WL 3293947 at *1 (Feb. 21 2019) (per curiam). Consistent with that required review, the regulations direct the parties to file a copy of the settlement agreement “with the ALJ or the Administrative Review Board as the case may be.” *Id.*

I have carefully reviewed the parties’ Settlement Agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint.

Accordingly, **IT IS HEREEBY ORDERED** that that Settlement Agreement is **APPROVED** and the complaint is **DISMISSED** with prejudice.

SO ORDERED.

NORAN J. CAMP
Administrative Law Judge

Boston, Massachusetts