

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

Issue Date: 30 August 2022

CASE NO.: 2021-STA-00076

In the Matter of:

MELVIN CHESTER,
Complainant,

v.

WHITE LINE SYSTEMS, LLC., ET AL.,
Respondent.

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

This proceeding arises from a complaint filed under the employee protection provisions of the Surface Transportation Assistance Act (“STAA” or “the Act”), as amended, 49 U.S.C. § 31105 and the procedural regulations in 29 C.F.R. Part 1978.

On August 29, 2022, Complainant filed an Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice and attached a copy of the Confidential Settlement and Release Agreement (hereinafter the “Settlement”) for the Court’s 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.

After careful consideration of the Settlement, the Court finds the terms and conditions of the Agreement to be fair, adequate and reasonable under the STAA, that the terms adequately protect Complainant, and that the agreement was not reached as a result of duress or coercion. Furthermore, the Court believes it is in the public interest to approve the Settlement as a basis for administrative disposition of this case, and this Tribunal, therefore, approves the settlement pursuant to 29 C.F.R. § 1978.111(d)(2).

Paragraph 18 of the Settlement provides that the terms of the agreement shall be governed by the laws of the State of Texas. 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).

The Court further notes that its authority over settlement agreements is limited to the statutes that are within its jurisdiction as defined by the applicable statute. Therefore, the Court approves only the terms of the Settlement pertaining to Complainant’s STAA claim, Case No.

2021-STA-00076. *See Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007 (ARB Jan. 31, 2011).

The parties have requested that the Settlement remain confidential and be placed under seal. The Court finds 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 and Release 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.

ORDER

Accordingly, it is **ORDERED** that:

- (1) Complainant’s Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice 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 Melvin Chester is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

JERRY R. DeMAIO
Administrative Law Judge

Boston, Massachusetts

¹ 29 C.F.R. § 1978.111(e).