

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Newport News, Virginia

Issue Date: 24 May 2023

CASE NO.: 2021-STA-00063

In the Matter of:

BARBARA HARDNETT,
Complainant,

v.

J.B. HUNT TRANSPORT SERVICES, INC.,
Respondent.

ORDER APPROVING SETTLEMENT

On May 23, 2023, the parties submitted their executed Settlement Agreement and General Release for approval under 29 C.F.R. § 1978.111(d)(2). Upon review thereof, it will be approved subject to the following.

The settlement agreement requires Complainant to take steps to dismiss her complaint after the agreement is approved. There is no provision under the employee-protection provisions of the Surface Transportation Assistance Act (“STAA” or “the Act”) or its regulations for unilateral dismissal of a complaint. When a complainant wishes to withdraw her complaint based on a settlement, the settlement must be submitted for approval by the administrative law judge. I must review the terms and conditions of the settlement to determine whether the terms of the agreement are fair, adequate, and reasonable, and do not contravene the public interest. See *Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-7, slip op. at 3 & n. 8 (Jan. 31, 2011), *Carciro v. Sodexo Alliance, S.A.*, ARB No. 09-067, ALJ No. 2008-SOX-012, slip op. at 2 (ARB Sept. 30, 2010). Accordingly, Complainant need not take any steps to dismiss the complaint; it will be dismissed by this Order.

Upon review, I find that the terms of the settlement agreement are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under STAA. My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under the Act. My approval should not be construed

as approval of the resolution of any claims brought under any other federal or state law.

In addition, the settlement agreement provides that the parties shall keep the terms of the settlement confidential. I note that the parties' submissions, including the settlement agreement, become part of the record of this case and are subject to the Freedom of Information Act (FOIA). FOIA requires Federal agencies to disclose requested records unless they are exempt from disclosure. Department of Labor regulations provide specific procedures for responding to FOIA requests and for appeals by requestors from denials of such requests.

Accordingly, with the reservations noted above and limiting my approval to the STAA claim, IT IS ORDERED:

1. The Settlement Agreement and Release of All Claims is APPROVED; and
2. The complaint is DISMISSED WITH PREJUDICE.

SO ORDERED.

PCJ/pmp
Newport News, Virginia

PAUL C. JOHNSON, JR.
District Chief Administrative Law Judge