

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Washington, DC

Issue Date: 13 June 2023

OALJ No.: 2021-STA-00044
OSHA No.: 5-0460-20-140

In the Matter of:

WALTER WALKER,
Complainant,

v.

MJELMA, INC., WHITE LINE SYSTEMS LLC,
ALLRED SYSTEMS, INC., FATON JUSUFI,
AND CHRIS “DOE,”
Respondents.

DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT; SEALING ORDER AND
ORDER FINDING DOCUMENTS SUBJECT TO
FOIA PREDISCLOSURE NOTIFICATION PROCESS

This proceeding arises under the Surface Transportation Assistance Act (“STAA”), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-053, and the applicable regulations at 29 C.F.R. Part 1978. This matter was assigned to me, Associate Chief Administrative Law Judge Paul R. Almanza, on August 16, 2022. On May 18, 2023, I issued an order cancelling the hearing set in this case and vacating all deadlines after the parties stated they reached a settlement in this matter.

On June 7, 2023, I received Complainant’s Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice (“Motion”), requesting the approval of the parties’ settlement and dismissal of the case with prejudice.¹ Mot. at 1. The Motion states the Complainant’s attorney “has conferred with Respondents’ counsel Thomas R. Chibnall,” and the Motion is unopposed. *Id.* Attached to the Motion was two copies of the parties’ Confidential Settlement and Release Agreement, a copy with redactions and a copy without redactions

¹ The parties originally submitted this Motion, with an unredacted copy of their Confidential Settlement and Release Agreement, via the Department of Labor’s e-File/e-Serve system (“EFS”) in May 2023. Due to the nature of EFS and confidential documents, my law clerk, Holly Kresge, instructed the parties on June 7, 2023 to re-file their Motion and a redacted version of the Confidential Settlement and Release Agreement, if applicable, via EFS. Ms. Kresge also instructed the parties to file the unredacted version of the Confidential Settlement and Release Agreement using the Office of Administrative Law Judges’ (“OALJ”) confidential filing procedures.

(collectively, the “Settlement”). The parties submitted the redacted copy of the Settlement via EFS and the unredacted copy via the OALJ’s confidential filing procedures on June 7, 2023. Both copies of the Settlement include signatures from the Complainant and Respondent, dated May 26 and May 30, 2023, respectively.

Having reviewed both copies of the Settlement, I find its terms and conditions to be fair, adequate, reasonable, and not contrary to public policy. I further find that the agreement was entered into voluntarily and not under duress. Accordingly, the Settlement is approved.

Furthermore, I find good cause to seal the unredacted copy of the Settlement. Specifically, as required by 29 C.F.R. § 18.85(b)(2), I find that the information contained in the Settlement is: (1) compelled information that the parties were required to submit in order to obtain approval of the Settlement, and; (2) confidential business information that is exempt from disclosure under FOIA Exemption 4, and therefore I find that the Settlement is subject to the predisclosure notification process at 29 C.F.R. § 70.26. In finding that the information in the Settlement is confidential business information, I have determined that the financial information concerning the parties’ settlement could harm Respondent by putting it at a competitive disadvantage if that information were disclosed. The Settlement has been sealed in accordance with the OALJ’s internal confidential filing procedures.

ORDER

The Motion is **GRANTED** and the Settlement is **APPROVED**. This matter is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

PAUL R. ALMANZA
Associate Chief Administrative Law Judge