

**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
COVINGTON DISTRICT OFFICE**

Issue Date: 27 September 2023

In the Matter of:

RICHARD ABELN,
Complainant,

v.

**KLANCE STAGING, INC., d/b/a KLANCE
UNLIMITED, ET AL.,**
Respondents.

CASE NO.: 2022-STA-00056

OSHA NO.: 7-7080-22-056

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge

**DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and the regulations promulgated thereunder at 29 C.F.R. Part 1978 (“STAA” or “the Act”). On September 1, 2023, Complainant filed an *Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice* and the corresponding *Settlement Agreement and General Release*,¹ therein requesting that the undersigned approve the Parties’ Settlement Agreement and dismiss these proceedings with prejudice.²

The Settlement Agreement contains a release of claims including matters potentially arising under laws other than STAA. The undersigned’s authority over settlement agreements is limited to the statutes within the jurisdiction of the Office of Administrative Law Judges, and the undersigned has thus restricted the review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle the above-captioned STAA case.³ After reviewing the Parties’ Settlement Agreement, the undersigned finds that the terms appear to be fair, adequate, reasonable, and not contrary to the public interest.

¹ While these documents were originally filed via confidential electronic mail on September 1, 2023, the Parties subsequently represented to the Court via September 22, 2023 e-mail correspondence that they agreed to the uploading of both documents into this Agency’s Case Tracking System (CTS) without redaction or seal.

² At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ. 29 C.F.R. § 1978.111(d)(2).

³ *Id.*, See also 29 C.F.R. §18.71; *Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007, slip op. at 3 (ARB Jan. 31, 2011); *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-00056, slip op. at 2 (ARB Apr. 30, 2003).

Notably, Paragraph 10 of the Settlement Agreement provides that the Parties shall keep the terms of the settlement confidential, with certain specified exceptions. The Parties state their understanding that this binds only the Parties, and does not bind the U.S. Department of Labor (“DOL”) or prohibit disclosures made by DOL pursuant to the Freedom of Information Act (“FOIA”).⁴ FOIA requires federal agencies to disclose requested documents unless they are exempt from disclosure.⁵ In the event the Settlement Agreement is disclosed pursuant to FOIA, such disclosure is not a violation of the Agreement.

ORDER

Accordingly, Complainant’s *Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice* is **GRANTED**, and the Parties’ corresponding *Settlement Agreement and General Release Agreement* filed on September 1, 2023 is **APPROVED**. Each of the Parties of the Agreement is directed to immediately take all actions required in order to implement the terms of the Agreement. The Complaint is **DISMISSED WITH PREJUDICE**.

So ORDERED in Covington, Louisiana, on September 27, 2023.

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge

⁴ See 5 U.S.C. § 552 *et seq*; 29 C.F.R. Part 70.

⁵ *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-00056, slip op. at 2 (ARB Apr. 30, 2003).