

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

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**Issue Date: 15 March 2023**

**OALJ No.: 2022-STA-00053**  
**OSHA No.: 5-0004-21-117**

*In the Matter of:*

**ADRIAN HAMBRICK,**  
*Complainant,*

*v.*

**NATIONWIDE EXPRESS, INC., and**  
**JEFFREY HURST,**  
*Respondents.*

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

This proceeding arises from a Complaint filed under the Surface Transportation Assistance Act, as amended, 49 U.S.C. § 31105 (STAA), and the procedural regulations found at 29 C.F.R. Part 1978. The case was returned to me on February 16, 2021, following the close of mediation. On March 14, 2023, counsel for Complainant submitted an Unopposed Motion to Approve Settlement and Dismiss Proceeding With Prejudice (Motion). A signed Settlement Agreement and General Release was submitted alongside the Motion.

The parties may settle a case at any time after the filing of objections to the Secretary's findings, if the participating parties agree to a settlement and the settlement is approved by the administrative law judge (ALJ) if the case is before the ALJ. 29 C.F.R. § 1978.111(d)(2). A settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, reasonable, and in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993).

My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the agreement terms pertaining to Complainant's STAA matter.

The parties have agreed to confidential terms, subject to applicable laws. To effectuate such confidentiality, I will have the settlement agreement sealed. However, notwithstanding the parties' agreement, the parties' submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement agreement, the U.S. Department of Labor

will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

I have reviewed the Confidential Settlement Agreement and General Release and find it constitutes a fair, adequate, and reasonable settlement of the Complaint. I therefore **APPROVE** the Confidential Settlement Agreement and General Release. The Complaint is hereby **DISMISSED** with prejudice.

**SO ORDERED.**

**JODEEN M. HOBBS**  
Administrative Law Judge  
Washington, D.C.