

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

**Issue Date: 05 July 2023**

*In the Matter(s) of:*

**ENCARNACION JIMENEZ,**  
*Claimant,*

v.

**PRECISION STRAND AND REBAR, LLC,**  
*Respondent.*

**CASE NO(S): 2022-STA-00040**

**OSHA NO(S): 6-1550-21-108**

**PATRICK M. ROSENOW**  
District Chief Administrative Law Judge

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

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982<sup>1</sup>, and the implementing regulations<sup>2</sup>. By letter dated 14 May 21, the parties filed a Motion to Approve Settlement and Dismiss Case and submitted a Settlement Agreement and Mutual Release ("Settlement Agreement").

Pursuant to the Act, "[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation."<sup>3</sup> Under regulations implementing the STAA, 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 ALJ" if the case is before the ALJ.<sup>4</sup> A settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, reasonable, and in the public interest.<sup>5</sup>

I find the executed Settlement Agreement, incorporated herein by reference, to be fair, adequate, reasonable, and in the public interest. My authority over settlement agreements is limited to the

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<sup>1</sup> 49 U.S.C. § 31105 ("STAA" or "Act").

<sup>2</sup> 29 C.F.R. § 1978.

<sup>3</sup> 49 U.S.C. § 31105(b)(2)(C).

<sup>4</sup> 29 C.F.R. § 1978.111(d)(2).

<sup>5</sup> *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993).

statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute.

Accordingly, the Parties' Settlement Agreement is APPROVED and the above captioned matter is hereby DISMISSED with prejudice.

**So ORDERED in Covington, Louisiana, on July 5, 2023.**

**PATRICK M. ROSENOW**  
District Chief Administrative Law Judge