

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 19 January 2023

CASE NO.: 2022-STA-00052

OSHA CASE NO.: 5-2962-21-012

In the Matter of:

DORAN MILLER,
Complainant

v.

LAZER SPOT, INC.
Respondent

ORDER DISMISSING CLAIM AND CANCELLING HEARING

This matter arises under the employee protection provisions of the Surface Transportation Assistance Act (STA), 49 U.S.C. § 31105, and its implementing regulations at 29 C.F.R. Part 1978. The claim was referred to the Office of Administrative Law Judges for formal hearing upon the filing of Objections to the findings of the Secretary of Labor's, Occupational Safety and Health Administration (OSHA), that, as it was not able to complete its investigation, it was unable to conclude that there was reasonable cause to believe Respondents violated the STAA. The matter is currently scheduled for hearing beginning March 20, 2023, and continuing as needed, through and including, March 24, 2023.

On January 5, 2023, I received the parties, "Motion to Dismiss with Prejudice," ("Motion") in which the parties seek the matter be dismissed with prejudice on the basis that that parties reached an agreement on the resolution of the claims filed by Complainant with OSHA. The Motion also indicated that the respective parties are to pay their own costs and fees related to the matter. On the same date, I held a teleconference with the parties in which the Motion to Dismiss and the underlying agreement by the parties was generally discussed. A copy of the transcript from the January 5, 2023 is incorporated herein by reference. As a result of the teleconference and representations made by counsel for both parties, I am satisfied that the resolution by the parties adequately and reasonably settled the Complainant's instant claim and is not against public policy. I am also satisfied the parties knowingly and voluntarily reached an agreement to resolve the claim. For these reasons and due to the discussion during the teleconference, as I told the parties, the Motion to Dismiss is **GRANTED**. This is the formal written Order granting dismissal of the claim.

ORDER

Having considered the above, it is **ORDERED** that the parties' Motion to Dismiss with Prejudice is **GRANTED** and the complaint of Doran Miller is **DISMISSED with prejudice**.

It is **FURTHER ORDERED** that the hearing scheduled for **March 20, 2023 through, and including, March 24, 2023** is **CANCELLED** and any pending motions and all hearing deadlines are **moot**.

NATALIE A. APPETTA
Administrative Law Judge