



Issue Date: 06 July 2022

CASE NO.: 2022-STA-00001
OSHA NO.: 6-2320-21-096

In the Matter of:

JUSTIN MORMON,
Complainant,

v.

**ELS LLC, ELS FREIGHT LLC, JOHN FISHER,
NATHAN PINKSTON, AND JOHN "DOE"**
Respondents.

DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT AND DISMISSING COMPLAINT

This proceeding arises from a complaint filed under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act ("STAA"), as amended, 49 U.S.C.A. § 31105 and the procedural regulations found at 29 C.F.R. Part 1978. On June 30, 2022, the parties filed a Joint Motion to Approve Settlement and for Dismissal with Prejudice, along with a copy of the Settlement Agreement.

Upon consideration of the terms and conditions of the Settlement Agreement, I find that the Settlement Agreement does not contain any provisions that are contrary to law or against public policy. Both the Complainant and the Respondent have been ably represented by counsel, and I find it reasonable to presume that the terms of the Settlement Agreement adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement Agreement as a basis for administrative disposition of this case. Accordingly, based on the record as a whole and upon review of the Settlement Agreement, I find that the terms of the Settlement Agreement are fair, adequate, and reasonable, and it is hereby **APPROVED** pursuant to 29 C.F.R. § 1978.111(d)(2), subject to the below comments.

I note that my authority over settlement agreements is limited to the statutes that are within my jurisdiction as defined by the applicable statute. Therefore, I approve only the terms of the Settlement Agreement pertaining to Complainant's STAA claim, Case No. 2022-STA-00001. *See Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-7 (ARB Jan. 31, 2011).

Accordingly, it is hereby **ORDERED** that:

(1) The parties' Joint Motion is **GRANTED**;

(2) The Settlement Agreement is **APPROVED**;

(3) The Complaint of Justin Mormon is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

CARRIE BLAND

Associate Chief Administrative Law Judge

Washington, D.C.