

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
CINCINNATI, OHIO
(513) 684-3252
cincinnati-oalj@dol.gov

Issue Date: 21 August 2023

Case No.: 2022-STA-00060
OSHA Case No.: 5-1260-22-205

In the Matter of:

JAMES PETITT,
Complainant,

v.

015 LOGISTICS, INC., et al.,
Respondents.

ORDER APPROVING SETTLEMENT AGREEMENT

This matter arises under the employee protection provisions of the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53, and further governed by the implementing regulations at 29 C.F.R. Part 1978.

On August 21, 2023, Complainant James Petitt and Respondents 015 Logistics, Inc. and Bogdan Grubic jointly asked that I approve their settlement and that I dismiss the within action with prejudice.

I have reviewed the Parties' Settlement Agreement. I make the following findings:

1. The Settlement Agreement resolves all issues and claims alleged in this action.
2. The Parties were each represented by their own counsel, and each knowingly and voluntarily entered into the Settlement Agreement.
3. The Settlement Agreement is reasonably presumed to adequately protect the Complainant and be consistent with protections provided by the Surface Transportation Assistance Act.
4. It is in the interests of the Parties to approve the settlement as a basis for administrative disposition of the case.

Records of the United States Department of Labor, Office of Administrative Law Judges (OALJ), a government agency, are subject to the Freedom of Information Act, 5 U.S.C. § 552 et seq. (FOIA). Upon the Parties' filing of their joint motion for approval of the Settlement Agreement, the Settlement Agreement became a filing in this case and a record of the OALJ.

The Parties have agreed to keep the terms of the Settlement Agreement confidential. The Settlement Agreement contains confidential commercial and financial within the meaning of Section 70.2(b) of title 29, Code of Federal Regulations.

In light of the confidentiality provision of the Agreement and noting the generally sensitive nature of the financial terms of the Agreement, I have decided to seal the Settlement Agreement from full disclosure to the public. In the event of required public disclosure, I have decided to redact the financial terms of the Agreement from disclosure to the public. Accordingly, the Settlement Agreement with the redaction of the financial terms will be maintained and marked "SETTLEMENT AGREEMENT REDACTED FOR PUBLIC DISCLOSURE". An unredacted version of the Agreement will be maintained separately and marked "UNREDACTED AGREEMENT NOT FOR PUBLIC DISCLOSURE." Consequently, before any disclosure of the settlement, whether redacted or unredacted, is disclosed pursuant to a FOIA request, the DOL is required to notify the parties to permit them to file any objections to disclosure. See 29 C.F.R. § 70.26 (2016).

IT IS HEREBY ORDERED:

1. The Parties' joint motion for approval of the Confidential Settlement Agreement and General Release is **GRANTED**;
2. Pursuant to Section 1978.111 (d) (2) of title 29, Code of Federal Regulations, the Settlement Agreement is **APPROVED**;
3. The Settlement Agreement contains CONFIDENTIAL commercial and financial information, subject to the procedures requiring PREDISCLOSURE NOTIFICATION UNDER FOIA pursuant to Section 70.26 of title 29, Code of Federal Regulations;
4. This case bearing OALJ Case Number 2022-STA-60, and captioned *James Petitt v. 015 Logistics, Inc and Bogdan Grubic*, is hereby **DISMISSED WITH PREJUDICE**.
5. The telephonic Pre-Hearing Conference scheduled for August 22, 2023 is hereby **CANCELED**.

Steven D. Bell
Administrative Law Judge