

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Newport News, VA

Issue Date: 08 November 2023

CASE NO.: 2023-STA-00013

In the Matter of:

CANDACE BELDEN,
Complainant,

v.

HIPKINS LOGISTICS, INC., *et al.*,
Respondent.

ORDER APPROVING SETTLEMENT AGREEMENT AND ORDER OF DISMISSAL

This case arises under the provisions of the Surface Transportation Assistance Act of 1982 (“STAA”) and its implementing regulations.¹ On October 31, 2023, Complainant filed an Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice along with the Settlement Agreement and Full and Final Release of All Claims.

Upon review of the settlement agreement, I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest.

The settlement includes a general release and waiver of liability releasing all claims, including the claim brought under the STAA. (Paragraphs 3–4). My authority to approve the settlement agreement is limited to the matters that are before me. Complainant’s STAA complaint is before me. Thus, I am authorized to approve the settlement agreement only insofar as it resolves Complainant’s STAA complaint. My approval should not be construed as approving the resolution of any claims brought under any other federal statute or state law. This reservation is not intended to address the effectiveness of the settlement or release with respect to other claims, and the parties are not precluded from raising the settlement agreement in the course of other proceedings, should any arise.

The settlement agreement contains a confidentiality and non-disclosure agreement. (Paragraph 14). Complainant agrees to keep the terms of the agreement

¹ 49 U.S.C.A. § 31105, as amended by the Implementing Regulations of the 9/11 Commission Act of 2007, Pub. L. No. 11053; 29 C.F.R. Part 1987; 20 C.F.R. Part 1978.

confidential, with limited enumerated exceptions, such as permitted disclosure to Complainant's spouse, attorneys, accountants, tax advisors, and to the extent necessary to report income or comply with a court order. *Id.* I construe this paragraph as not binding the U.S. Department of Labor ("DOL") nor prohibiting disclosures made by DOL pursuant to the Freedom of Information Act ("FOIA"). FOIA requires federal agencies to disclose requested documents unless they are exempt from disclosure. *Faust v. Chemical Leaman Tank Lines, Inc.*, Case Nos. 92-SWD-2 and 93-STA-15, ARB Final Order Approving Settlement and Dismissing Complaint, March 31, 1998. In the event that the Agreement is disclosed pursuant to FOIA, such disclosure is not a violation of the agreement.

I construe Paragraph 9, which states, "This Settlement Agreement is made and entered into in Michigan and shall in all respects be interpreted, enforced, and governed under the laws of Michigan," as not limiting the authority of the Secretary of Labor or any Federal court, which shall be governed in all respects by the laws and regulations of the United States.

Accordingly, with the reservations noted above and limiting my approval to the complaints brought under the STAA, IT IS ORDERED;

1. The settlement agreement between the parties submitted on October 31, 2023, is APPROVED; and
2. This matter is DISMISSED with prejudice.

SO ORDERED.

PAUL C. JOHNSON, JR.
Administrative Law Judge

PCJ/KRS/pmp
Newport News, Virginia