

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Washington, DC

Issue Date: 15 February 2024

CASE NO.: 2023-STA-00083
OSHA NO.: 301009505

In the Matter of:

MAURICE CLAY,
Complainant,

v.

QFS TRANSPORTATION LLC,
Respondent.

**ORDER GRANTING JOINT MOTION TO APPROVE SETTLEMENT, FILE
PARTIALLY UNDER SEAL, AND DISMISS WITH PREJUDICE**

This proceeding arises from a Complaint filed under the Surface Transportation Assistance Act, as amended, 49 U.S.C. § 31105 (STAA), and the procedural regulations found at 29 C.F.R. Part 1978. On February 13, 2024, the parties submitted a Joint Motion to Approve Settlement, File Partially Under Seal, and Dismiss with Prejudice (Joint Motion) in accordance with 29 C.F.R. § 1978.111(d)(2). Two versions of a signed Confidential Settlement Agreement and General Release were attached to the Joint Motion (Agreement). Exhibit A is an unredacted version of the Agreement whereas Exhibit B contains redactions of information that the parties wish to remain confidential.

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 administrative law judge (ALJ) if the case is before the ALJ. 29 C.F.R. § 1978.111(d)(2). A settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, reasonable, and in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993).

My authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as defined by the applicable statute. Accordingly, I approve only the agreement terms pertaining to Complainant's STAA matter.

The parties have agreed to confidential terms, subject to applicable laws. To effectuate such confidentiality, I will have the unredacted version of the Agreement **SEALED (Exhibit A)**. However, notwithstanding the parties' agreement, the parties' submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement

agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

Per the request of the parties, the redacted version of the **Agreement (Exhibit B)** is **ATTACHED HERETO** and is part of the record of this case.

I have reviewed the Confidential Settlement Agreement and General Release and find it constitutes a fair, adequate, and reasonable settlement of the Complaint. I therefore **APPROVE** the Confidential Settlement Agreement and General Release. The Complaint is hereby **DISMISSED** with prejudice.

SO ORDERED.

JODEEN M. HOBBS
Administrative Law Judge
Washington, D.C.