

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
San Francisco, California

Issue Date: 27 November 2023

OALJ No.: 2023-STA-00040

In the Matter of:

DAZMIN AARON GASCA,
Complainant,

v.

REYES COCA-COLA BOTTLING, LLC,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This matter arises under the Surface Transportation Assistance Act of 1982 (“STAA”), 49 U.S.C. § 31105. It is set for hearing on March 12, 2024 in Long Beach, California.

On October 25, 2023, the parties submitted a signed Settlement and Release Agreement (“Settlement Agreement”) that resolves all issues pending for hearing in this matter. The Settlement Agreement refers to this matter as the “Charge.”

At any time after the filing of objections to the Assistant Secretary’s findings, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the administrative law judge. 29 C.F.R. § 1978.111(d)(2); *see also* 29 C.F.R. 18.71(a). A copy of the settlement shall be filed with the ALJ. *Id.* Any settlement approved by the administrative law judge will constitute the final order of the Secretary and may be enforced in the appropriate United States District Court. 29 C.F.R. § 1978.111(e).

The Settlement Agreement includes broad releases of liability. My authority over settlement agreements is limited to the statutes within my jurisdiction, and I have restricted my review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this STAA case. *Mann v. Schwan’s Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 3 (ARB Dec. 31, 2008). Accordingly, my approval extends only to the terms of the Settlement Agreement pertaining to Complainant’s STAA case.

The Settlement Agreement also included a confidentiality provision agreed to by the parties. The files maintained by this Office, including this Settlement Agreement, are subject to disclosure under the provisions of the Freedom of Information Act (“FOIA”), unless an exemption applies. 5 U.S.C. § 552; *Johnson v. U.S. Bancorp*, ARB No. 13-014, 13-046, ALJ No. 2010-SOX-00037, slip

op. at 3 (July 22, 2013). The Department of Labor has implemented regulations that govern the FOIA process, and exemptions are determined at the time of the request, not at the time of the filing of the agreement. *See* 29 C.F.R. Part 70; *McDowell v. Doyon Drilling Servs., Ltd.*, ARB No. 97-053, ALJ No. 96-TSC-00008, slip op. at 2 (May 19, 1997).

As construed, and after carefully considering the terms of the Settlement Agreement, I find that the terms and conditions appear to be fair, adequate, and reasonable. I further find that the Settlement Agreement is not contrary to the public interest. *See Carciero v. Sodexo Alliance, S.A.*, ARB No. 09-067, ALJ No. 2008-SOX-012, slip op. at 3 (Sept 30, 2010).

The terms and conditions of the Settlement Agreement are incorporated by reference into this Decision and Order and are hereby ADOPTED and APPROVED. The parties are ordered to carry out the provisions of the Settlement Agreement. This matter is DISMISSED with prejudice. The parties have resolved all the issues pending for hearing; the matter is now fully concluded. All dates are vacated. The matter is closed.

EVAN H. NORDBY
Administrative Law Judge