

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

Issue Date: 23 May 2024

OALJ No.: 2023-STA-00066

In the Matter of:

ISAIAH JOHNSON,
Complainant,

v.

PILOT WATER SOLUTIONS, LLC,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

This Surface Transportation Assistance Act (STAA) matter is not currently set for hearing.

On May 20, 2024, the parties submitted their Confidential Settlement and General Release Agreement (“Settlement Agreement”). The parties’ signed Settlement Agreement, finalized on May 16, 2024, resolves all issues pending for hearing in this matter.

At any time after the filing of objections to the Assistant Secretary’s findings, a STAA case may be settled if the participating parties agree to a settlement and the settlement is approved by the presiding administrative law judge. 29 C.F.R. § 1978.111(d)(2). A copy of the settlement shall be filed with the administrative law judge. *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), 1978.113.

The Settlement Agreement includes broad releases of liability under state and federal laws other than the STAA. 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. *See, e.g., 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 (ARB 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 (ARB May 19, 1997).

As construed, and after 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, e.g., Carciero v. Sodexo Alliance, S.A.*, ARB No. 09-067, ALJ No. 2008-SOX-012, slip op. at 3 (ARB Sept. 30, 2010).

The parties' Motion is GRANTED. 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.

The parties having resolved all issues pending for hearing, the case is now concluded.

SO ORDERED.

EVAN H. NORDBY
Administrative Law Judge