

**UNITED STATES DEPARTMENT OF LABOR**  
**OFFICE OF ADMINISTRATIVE LAW JUDGES**  
**Cincinnati, Ohio**

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**Issue Date: 28 August 2023**

**OALJ Case No.: 2023-STA-00036**

OSHA Case No.: 4-4910-21-087

In the Matter of:

**CHRISTOPHER DAVID LORD,**  
Complainant,

v.

**T.J. HUNT I LLC,**  
Respondent.

**DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT AND DISMISSING COMPLAINT**

This matter arose under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. § 31105, and the regulations promulgated at 29 C.F.R. Part 1978.

The Office of Administrative Law Judges docketed this case on June 16, 2022. It was assigned to me on May 5, 2023. An initial conference was held on May 22, 2023. Both parties appeared, through counsel. The parties expressed an interest in mediation. The parties engaged in mediation and on August 1, 2023, Chief Administrative Law Judge Stephen R. Henley issued a Supplemental Order Concluding Mediation (Order). The Order advised that the parties reached settlement.

On August 17, 2023, the parties filed a Confidential Settlement Agreement and General Release. The Settlement Agreement asked that I approve the parties' settlement. After review of the August 17, 2023 Settlement Agreement, I held a conference call with the parties to discuss their agreement. On August 28, 2023, the parties submitted an Amended Settlement Agreement.

The STAA and implementing regulations provide that proceedings may be terminated on the basis of a settlement, provided that the settlement is approved. 49 U.S.C. § 31105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). If a case is pending before an Administrative Law Judge, the Administrative law Judge may approve it. *Id.*

Under the STAA, a settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, and reasonable, and in the public interest.

*Edmisten v. Ray Thomas Petroleum*, ARB No. 10-020, ALJ No. 2009-STA-00036 (ARB Dec. 16, 2009). Consistent with this required review, the regulations direct the parties to file a copy of the settlement “with the ALJ or the Administrative Review Board, United States Department of Labor, as the case may be.” 29 C.F.R. § 1978.111(d)(2).

I have reviewed the Settlement Agreement and its provisions, which include dismissal of the complaint. I find the terms, obligations, and conditions related to the settlement of this action fair, adequate and reasonable, and in the public interest. I also find that the settlement was not procured through duress.

The Settlement Agreement discusses matters under laws other than the Surface Transportation Assistance Act. My authority to approve settlements is limited to this STAA matter, as that is the only matter before me. Therefore, I approve only the terms of the Settlement Agreement pertaining to the Complainant's STAA claim. *Carnahan v. Arnold Transportation Services, Inc.*, ARB CASE NO. 10-025 , 2009 WL 5178507 (Dec. 22, 2009); *Fish v. H & R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-056, slip op. at 2 (ARB Apr. 30, 2003). The STAA contains a “no preemption” provision. This provision was discussed at the August 24, 2023 conference. 49 U.S.C 31105(f). As I informed the parties, I do not approve any portion of the Settlement Agreement violative of the STAA’s no preemption provision.

Accordingly, I approve the parties’ Settlement Agreement. To the extent not otherwise done so, the parties shall implement the terms as specifically stated therein. This order shall have the same force and effect as one made after a full hearing on the merits.<sup>1</sup>

#### **ORDER**

The parties’ Settlement Agreement is **APPROVED**. It hereby becomes the final order of the Secretary and the STAA portions of the agreement may be enforced pursuant to 29 C.F.R. § 1978.113.

IT IS FURTHER ORDERED that, upon payment of the amount set forth in the Settlement Agreement, Complainant’s complaint is **DISMISSED** with prejudice.

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<sup>1</sup> The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate their agreement, the Settlement Agreement in this matter will be maintained in OALJ’s confidential filing system. 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 is required to notify the parties to permit them to file any objection to disclosure before the Settlement Agreement, or any part thereof, is disclosed pursuant to a FOIA request. 29 C.F.R. § 70.26.

It is **SO ORDERED.**

WILLOW EDEN FORT  
Administrative Law Judge