

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
COVINGTON DISTRICT OFFICE

Issue Date: 22 January 2024

In the Matter of:

WILLIE MCNAIR,
Complainant,

v.

DICKERSON & BOWEN, INC.,
Respondent.

CASE NO.: 2023-STA-00081

OSHA NO.: 301008423

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge

DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT

This proceeding arises under the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and the regulations promulgated thereunder at 29 C.F.R. Part 1978 (“STAA” or “the Act”). On January 19, 2024, Complainant filed a *Motion to Approve Settlement* and the corresponding *Full and Final Settlement, Release and Confidentiality Agreement* (“Settlement Agreement”), therein seeking approval of the Parties’ Settlement Agreement and dismissal of the Complaint with prejudice.¹ Respondent does not oppose the Motion.

The Settlement Agreement contains a release of claims including matters potentially arising under laws other than STAA. The undersigned’s authority over settlement agreements is limited to the statutes within the jurisdiction of the Office of Administrative Law Judges, and the undersigned has thus restricted the review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle the above-captioned STAA case.² After reviewing the Parties’ Settlement Agreement, the undersigned finds that the terms appear to be fair, adequate, reasonable, and not contrary to the public interest.

While Complainant filed his Motion and attached Settlement Agreement without a request for confidential treatment,³ Paragraph 9 of the Settlement Agreement provides that the Parties shall

¹ At any time after the filing of objections to the Assistant Secretary’s findings and/or order, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the ALJ. 29 C.F.R. § 1978.111(d)(2).

² *Id.*, See also 29 C.F.R. §18.71; *Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007, slip op. at 3 (ARB Jan. 31, 2011); *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-00056, slip op. at 2 (ARB Apr. 30, 2003).

³ Respondent has communicated to Court staff that it takes no position concerning this filing method.

keep the terms of the settlement confidential, with certain specified exceptions. This binds only the Parties, and does not bind the U.S. Department of Labor (“DOL”) or prohibit disclosures made by DOL pursuant to the Freedom of Information Act (“FOIA”).⁴ FOIA requires federal agencies to disclose requested documents unless they are exempt from disclosure.⁵ In the event the Settlement Agreement is disclosed pursuant to FOIA, such disclosure is not a violation of the Agreement.

ORDER

Accordingly, Complainant’s *Motion to Approve Settlement* is **GRANTED**, and the Parties’ corresponding *Full and Final Settlement, Release and Confidentiality Agreement* filed on January 19, 2024 is **APPROVED**. Each of the Parties of the Settlement Agreement is directed to immediately take all actions required in order to implement the terms of the Agreement. The Complaint is **DISMISSED WITH PREJUDICE**.

So ORDERED in Covington, Louisiana, on January 22, 2024.

CHRISTINE HILLEREN-WILKINS
Administrative Law Judge

⁴ See 5 U.S.C. § 552 *et seq*; 29 C.F.R. Part 70.

⁵ *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-00056, slip op. at 2 (ARB Apr. 30, 2003).