

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Cherry Hill, New Jersey

Issue Date: 27 February 2024

Case No.: 2023-STA-00031

In the Matter of

JEFFREY TEIXERIA-LEBRE,
Complainant

v.

DELAWARE VALLEY PAVING CO., INC.
BRIAN D'ANDREA, AND THOMAS FAGGIOLI,
Respondents

**DECISION AND ORDER APPROVING SETTLEMENT AND DISMISSING CASE WITH
PREJUDICE**

This case arises from a complaint filed by Jeffrey Teixeira-Lebre (“Complainant”) against Delaware Valley Paving, Co., Inc., Brian D’Andrea and Thomas Faggioli under the employee protection provisions of the Surface Transportation Assistance Act (“STAA”), 49 U.S.C. § 31105, hereinafter referred to as the “Act.” Implementing regulations are published in 29 C.F.R. Part 1978. The Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges (“OALJ”) found at 29 C.F.R. Part 18, Subpart A, also apply.

Background

On February 1, 2024, Complainant, through counsel, submitted a pleading entitled “Complainant’s Unopposed Motion to Approve Settlement and Dismiss Proceeding with Prejudice” (“Unopposed Motion”) along with a redacted and unredacted version of the Settlement Agreement and Mutual General Release (“Settlement Agreement”) the terms of which resolve all issues in this matter. See 29 C.F.R. § 1978.11(d)(2).

Settlement Agreement

The Settlement Agreement includes a general release of liability, which resolves matters and potential matters under a multitude of state and federal laws other than the STAA. My authority over settlement agreements is limited to the statutes that are 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-STA00027, slip op. at 4 (ARB Dec. 31, 2008). Moreover, no provision within the Settlement Agreement can be deemed to limit the authority of the Secretary of Labor or any federal court regarding

any issue arising under STAA, which authority shall be governed in all respects by the laws and regulations of the United States. *Muenzberg v. APL Maritime, LTD.*, ARB No. 2021-0070, ALJ No. 2018-SPA-00001, slip op. at 3 (ARB May 13, 2022).

The Settlement Agreement is appropriate in form and substance and details the respective duties and obligations of the parties. In construing and considering its terms and conditions, I find that the Settlement Agreement is fair, adequate, and reasonable. I further find that the Settlement Agreement is not contrary to the public interest. See *Carciero v. Sodexho Alliance, S.A.*, ARB No. 09-067, ALJ No. 2008-SOX-012, slip op. at 3 (ARB Sept. 30, 2010).

Therefore, (1) the Settlement Agreement is **APPROVED**¹ and (2) the subject complaint is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

LYSTRA A. HARRIS
Administrative Law Judge

¹ Once a settlement is approved under STAA, it becomes the final action of the Secretary. 29 C.F.R. § 1978.111(e).