

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 25 January 2024

CASE NO.: 2023-STA-00043

In the Matter of:

BRANDON TARVER,
Complainant,

v.

MY TURN LOGISTICS, INC.,
Respondent.

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

This proceeding arises from a complaint filed under the employee protection provisions of the Surface Transportation Assistance Act (“STAA” or “the Act”), as amended, 49 U.S.C. § 31105 and the procedural regulations in 29 C.F.R. Part 1978.

On January 24, 2024, the Parties submitted a fully executed Settlement Agreement and General Release (“the Agreement”). In reviewing the Agreement, the Court has determined that it fairly, adequately, and reasonably settles Complainant’s allegations in this case. The Agreement is therefore **APPROVED**, under 29 C.F.R. § 1980.111(d)(2).

The Parties are advised that, notwithstanding the confidential nature of the Agreement, all of their filings, including the Agreement, are part of the record in this case and may be subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C.A. § 552 *et seq.* The Administrative Review Board has noted that:

If an exemption is applicable to the record in this case or any specific document in it, the Department of Labor would determine *at the time a request is made* whether to exercise its discretion to claim the exemption and withhold the document. If no exemption is applicable, the document would have to be disclosed.

Seater v. S. Cal. Edison Co., USDOL/OALJ Reporter (PDF), ARB No. 97-072, ALJ No. 1995-ERA-00013 at 2 (ARB March 27, 1997) (emphasis added). Should disclosure be requested, the Parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

In reviewing the Agreement, the Court also notes that its authority over settlement agreements is limited to the statutes that are within the Court's jurisdiction as defined by the applicable statute. Therefore, only the terms of the Agreement pertaining to Tarver's current STA case, 2023-STA-00043, are approved. *See Anderson v. Schering Corp.*, ARB No. 10-070, ALJ No. 2010-SOX-00007 (ARB Jan. 31, 2011).

Accordingly, it is **ORDERED** that:

- (1) The Settlement Agreement is **APPROVED**;
- (2) The Settlement Agreement shall be designated as confidential, subject to the procedures requiring disclosure under FOIA; and
- (3) The Complaint of Brandon Tarver is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

JERRY R. DeMAIO
Administrative Law Judge

Boston, Massachusetts