



Issue Date: 15 April 2024

CASE NO: 2023-STA-00063
OSHA Case No.: 301013992

In the Matter of:

KRYSTLE WEBB,
Complainant

v.

HALVOR LINES, INC.,
Respondents

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

This matter arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (“STAA” or “the Act”), 49 U.S.C. § 31105, and the implementing regulations promulgated at 29 C.F.R. Part 1978. On April 10, 2024, Respondents filed an Unopposed Motion to Approve Settlement and Fully Executed Agreement. The parties submitted a Settlement Agreement and Mutual General Release (“the Settlement Agreement” or “Settlement Agreement”) signed by the Complainant, Krystle Webb, and an agent of the Respondent, Halvor Lines, Inc., to the undersigned. The Settlement Agreement is incorporated herein by reference.

The STAA provides for approval of any agreed upon settlement by an Administrative Law Judge (ALJ) if the case is before an ALJ, as in the present matter. 29 C.F.R. § 1978.111(d)(2). To the extent that the Settlement Agreement contains provisions which may relate to actions by Complainant or Respondent under any statutes other than the STAA, this Order makes no determination regarding the propriety of such provisions. The undersigned’s authority over settlement agreements is limited to the statutes that are within the jurisdiction of the Office of Administrative Law Judges as set forth by the applicable statute. Accordingly, the undersigned approves only the terms of the Settlement Agreement pertaining to Complainant’s STAA case. *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, Nov. 2, 1987, slip op. at 2.

Upon review of the Settlement Agreement, the undersigned finds that its terms are fair, adequate, and reasonable, and do not contravene the public interest. The Settlement is hereby **APPROVED**. This approval constitutes the final Order of the Secretary of Labor under 20 C.F.R. § 1978.111(e). Further, the Settlement supports a finding that the Complaint filed in this matter be **DISMISSED WITH PREJUDICE**.

The parties have requested that the terms of this Settlement be kept confidential. 29 C.F.R. §18.85 of the revised rules of practice before the Office of Administrative Law Judges provides that the ALJ, upon the motion of an interested person or on the judge's own, may seal a portion of the record to protect against undue disclosure of privileged, sensitive, or classified material. Section 18.85(b)(2) provides that notwithstanding the judge's order, all parts of the record remain subject to statutes and regulations pertaining to public access to agency records.

To note, it has been held in a number of cases, with respect to confidentiality of settlement agreements, that the Freedom of Information Act, 5 U.S.C. section 552, *et seq.* ("FOIA"), requires federal agencies to disclose requested documents unless they are exempt from disclosure. *See e.g. Faust v. Chemical Leaman Tank Lines, Inc.*, 92-SWD-2 and 93-STA-15 (ARB 1998). The records in this case are agency records which may be made available for public inspection and copying under the FOIA. I construe the parties' request for confidentiality as a request for pre-disclosure notification rights in accordance with 29 C.F.R. §70.26.¹

The request for confidential treatment of the Settlement Agreement is hereby **GRANTED**. The Settlement Agreement itself is not appended to this Order approving the Settlement and will be kept in OALJ's secured SharePoint Drive for Confidential Filings in compliance with 29 C.F.R. §70.26. Therefore, should disclosure be requested, the parties will receive pre-disclosure notification and thereby have the opportunity to state their positions regarding whether disclosure is proper or warranted by law.

ORDER

Accordingly, considering the foregoing, **IT IS HEREBY ORDERED** that:

1. The Settlement Agreement is **APPROVED**;
2. The request for confidential treatment of the Settlement Agreement is **GRANTED**;

¹ The parties are afforded the right to request that information be treated as confidential. 29 C.F.R. §70.26. The DOL is then required to take steps to preserve the confidentiality of that information, and must provide the parties with predisclosure notification if a FOIA request is received seeking release of that information. Accordingly, an unredacted copy of the Settlement Agreement in this matter will be kept in OALJ's secured SharePoint Drive for Confidential Filings in compliance with 29 C.F.R. §70.26. Consequently, before any information in this unredacted file is disclosed pursuant to a FOIA request, the DOL is required to notify the parties to permit them to file any objections to disclosure. *See* 29 C.F.R. § 70.26.

3. The complaint filed in this matter is **DISMISSED WITH PREJUDICE**; and
4. This constitutes a final Order of the Secretary of Labor pursuant to 20 C.F.R. § 1978.111(e).

SO ORDERED.

DREW A. SWANK
Administrative Law Judge