

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

Issue Date: 23 April 2024

JAVIER ROSAS

CASE NO.: 2024-STA-00021

VERSUS

OSHA NO.: 301022070

LPV LOGISTICS

JUDGE DAN C. PANAGIOTIS

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

This proceeding arises under the Surface Transportation Assistance Act (“STAA”), 49 U.S.C. § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-053, and the applicable regulations at 29 C.F.R. Part 1978. This matter was assigned to the undersigned on November 28, 2023. On December 22, 2023, Chief Administrative Law Judge Stephen R. Henley issued an Order Appointing Mediator, which granted the parties’ joint request for appointment of a mediator in this matter.

On April 5, 2024, Judge Henley issued an order concluding mediation advising that the parties had reached a settlement. On April 18, 2024, the parties filed a “Joint Stipulation of Dismissal” requesting approval of the parties’ settlement agreement (“Agreement”) and dismissal of the case with prejudice.

The Agreement provides that it shall be interpreted under the laws of the State of Illinois.¹ The Court construes this “Governing Law” provision as not limiting the authority of the Secretary of Labor, this Court, or any federal court with regard to any issue arising under the STAA, which authority shall be governed in all respects by the laws and regulations of the United States. *See Jones v. Schwan’s Home Serv.*, ARB No. 23-0023, slip op. at (ARB Jan. 31, 2024).

¹ Agreement at ¶12.

Having reviewed the Agreement, the Court concludes that the Agreement is fair, adequate, and reasonable, and does not contravene the public interest. The Court further finds that the agreement was entered into voluntarily and not under duress. Accordingly, the Agreement is approved.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED** that the parties' joint request is **GRANTED**, and the Agreement is **APPROVED**. **IT IS FURTHER ORDERED** that this matter is hereby **DISMISSED WITH PREJUDICE**.

DAN C. PANAGIOTIS
UNITED STATES ADMINISTRATIVE LAW JUDGE