

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
Newport News, VA

Issue Date: 07 December 2023

OALJ CASE NO.: 2024-STA-00009

OSHA CASE NO.: 301017294

In the Matter of:

DARIUS MILLER,
Complainant,

v.

APPLIED TECHNICAL SERVICES, LLC,
Respondent,

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT

ORDER DISMISSING COMPLAINT WITH PREJUDICE

This proceeding arises from a complaint filed under the provisions of Section 31105 of the Surface Transportation Assistance Act of 1982, U.S. Code, Title 49, § 31105, as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. No. 110-53 (“STAA”) and is governed by the implementing Regulations found in the Code of Federal Regulations, Title 29, Part 1978 and Part 18. The claim was referred to the Office of Administrative Law Judges for formal hearing upon appeal. Complainant of the Occupational Safety and Health Administration determination that there was no reasonable cause to believe that Respondent violated the STAA.

On 11/27/2023, the Parties filed their Joint submission of Settlement and Motion to Dismiss with Prejudice.

Implementing Federal regulations at 29 C.F.R. § 1978.111(d)(2) provides that “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, if the case is before the judge, or by the ARB if the ARB has accepted the case for review. Once the settlement agreement is approved, it becomes the final action of the Secretary, 29 C.F.R. § 1978.111(e).

After review of the Settlement Agreement and the administrative record, this Administrative Law Judge finds that the Settlement Agreement complies with the standard required under the STAA and is approved.

ORDER

Accordingly, it is **ORDERED** that –

1. The Settlement Agreement and the terms of the Settlement are **APPROVED**.
2. The Complaint is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dana Rosen
Administrative Law Judge