

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 25 February 2014

CASE NO.: 2013-CAA-1

IN THE MATTER OF

RONNIE RAINER

Complainant

v.

VALERO ENERGY CORPORATION

Respondent

**ORDER APPROVING STIPULATION AND
DISMISSING COMPLAINT**

On February 10, 2014, the Complainant and Respondent filed a "Settlement Agreement and Stipulation with Order." The parties stipulate that this matter "has been resolved" and agree that it should be dismissed with prejudice.

The parties have not entered into a formal settlement agreement. However, it is represented that Complainant does not wish to proceed with his case, which I interpret to be a withdrawal of his request for hearing involving the dismissal of his complaint by OSHA.

Moreover, the parties have agreed that:

(1) This Order shall have the same force and effect as an order made after a full hearing;

(2) The entire record on which this Order is based shall consist solely of the Notice of Determination and this Stipulation and Order;

(3) The parties waive any further procedural steps before this Court;

(4) The parties waive any rights to challenge or contest the validity of this Order and decision entered into in accordance with this Stipulation and Order;

(5) Each party shall bear all its own costs, expenses, and legal and accounting fees incurred in connection with this action; and

(6) This Order and the decision of this Court shall be final agency action.

In view of the foregoing, the parties' stipulation is hereby approved. The formal hearing scheduled to commence on March 3, 2014, is hereby cancelled.

ORDERED this 25th day of February, 2014, at Covington, Louisiana.

LEE J. ROMERO, JR.
District Chief Judge

NOTICE OF APPEAL RIGHTS: This Decision and Order will become the final order of the Secretary of Labor unless a written petition for review is filed with the Administrative Review Board ("the Board") within 10 business days of the date of this decision. The petition for review must specifically identify the findings, conclusions or orders to which exception is taken. Any exception not specifically urged ordinarily will be deemed to have been waived by the parties. The date of the postmark, facsimile transmittal, or e-mail communication will be considered to be the date of filing. If the petition is filed in person, by hand-delivery or other means, the petition is considered filed upon receipt.

The Board's address is: Administrative Review Board, U.S. Department of Labor, Suite S-5220, 200 Constitution Ave., NW., Washington, DC 20210. In addition to filing your Petition for Review with the Board at the foregoing address, an electronic copy of the Petition may be filed by e-mail with the Board, to the attention of the Clerk of the Board, at the following e-mail address: ARB-Correspondence@dol.gov.

At the same time that you file your petition with the Board, you must serve a copy of the petition on (1) all parties, (2) the Chief Administrative Law Judge, U.S. Dept. of Labor, Office of Administrative Law Judges, 800 K Street, NW, Suite 400-North, Washington, DC 20001-8001, (3) the Assistant Secretary, Occupational Safety and Health Administration, and (4) the Associate Solicitor, Division of Fair Labor Standards. Addresses for the parties, the Assistant Secretary for OSHA, and the Associate Solicitor are found on the service sheet accompanying this Decision and Order.

You must file an original and four copies of the petition for review with the Board, together with one copy of this decision. In addition, within 30 calendar days of filing the petition for review you must file with the Board: (1) an original and four copies of a supporting legal brief of points and authorities, not to exceed thirty double-spaced typed pages, and (2) an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which the appeal is taken, upon which you rely in support of your petition for review.

Any response in opposition to a petition for review must be filed with the Board within 30 calendar days from the date of filing of the petitioning party's supporting legal brief of points and authorities. The response in opposition to the petition for review must include: (1) an original and four copies of the responding party's legal brief of points and authorities in opposition to the petition, not to exceed thirty double-spaced typed pages, and (2) an appendix (one copy only) consisting of relevant excerpts of the record of the proceedings from which appeal has been taken, upon which the responding party relies, unless the responding party expressly stipulates in writing to the adequacy of the appendix submitted by the petitioning party.

Upon receipt of a legal brief filed in opposition to a petition for review, the petitioning party may file a reply brief (original and four copies), not to exceed ten double-spaced typed pages, within such time period as may be ordered by the Board.

If a timely petition for review is not filed, or the Board denies review, this Decision and Order will become the final order of the Secretary of Labor. See 29 C.F.R. §§ 24.109(e) and 24.110.