



**Issue Date: 02 November 2020**

CASE NO.: 2017-FDA-00001

*In the Matter of:*

**BENJAMIN SANGRAAL,**  
*Complainant,*

v.

**CULVER'S OF LINCOLN,**  
*Respondent.*

**DECISION AND ORDER**  
**APPROVING SETTLEMENT**

This matter arises under the employee-protection provisions of Section 402 of the FDA Food Safety Modernization Act ("FSMA"), codified at Federal, Food, Drug, and Cosmetic Act, 21 U.S.C. § 399d, and the implementing regulations set forth at 29 C.F.R. Part 1987. A video hearing is set for December 16 and 17, 2020. Complainant is a self-represented litigant. Attorney Alan Jedlicka represents Respondent. On October 28 and 30, 2020, the parties submitted documents, including a Settlement Agreement and Release ("Settlement Agreement") that resolved all issues pending for hearing in this matter.

At any time after the filing of objections to the Assistant Secretary's findings, the case may be settled if the participating parties agree to a settlement and the settlement is approved by the administrative law judge. 29 C.F.R. § 1987.111(d)(2). A copy of the settlement shall be filed with the ALJ. *Id.* Any settlement approved by the administrative law judge will constitute the final order of the Secretary and may be enforced pursuant to § 1987.113. 29 C.F.R. § 1987.111(e).

The Settlement Agreement includes a general release of liability which resolves matters and potential matters under a multitude of state and federal laws other than the FSMA. My authority over settlement agreements is limited to the statutes that are within my jurisdiction, and I have restricted my review of the Settlement Agreement to ascertaining whether its terms fairly, adequately, and reasonably settle this FSMA case. *Mann v. Schwan's Food Company*, ARB No. 09-017, ALJ No. 2008-STA-00027, slip op. at 4 (ARB Dec. 31, 2008).

As construed, and after carefully considering the terms of the Settlement Agreement, I find that the terms and conditions appear to be fair, adequate, and reasonable. I further find that the Settlement Agreement is not contrary to the public interest.

The terms and conditions of the Settlement Agreement are incorporated by reference into this Decision and Order and are hereby adopted and approved. The parties are ordered to carry out the provisions of the Settlement Agreement.

The parties having resolved all the issues pending for hearing, the matter is dismissed with prejudice. All dates are vacated. The matter is closed.

SO ORDERED.

RICHARD M. CLARK  
Administrative Law Judge