



Issue Date: 19 July 2018

Case No.: 2017-SOX-00046

In the Matter of

RYAN BRADY
Complainant

v.

GENESIS ENERGY,
Respondent

DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT, DISMISSING CLAIM, AND SEALING SETTLEMENT DOCUMENTS

1. Nature of Request. This proceeding arises under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, Title VIII of the Sarbanes-Oxley (“SOX”) Act of 2002, 18 U.S.C. §1514A (“Sarbanes-Oxley”), and the applicable regulations issued thereunder at 29 C.F.R. Part 1980. The Act includes a whistleblower protection provision with a Department of Labor complaint procedure. The parties submitted a proposed settlement agreement for the undersigned’s approval and requested the terms of the agreement remain confidential.

2. Procedural History, Findings of Fact, and Legal Conclusions.

a. Complainant filed a complaint on June 15, 2017 with the Occupational Safety and Health Administration (OSHA) alleging Respondent committed discrimination prohibited by the SOX. Respondent filed a response to the complaint in which it denied liability. The undersigned issued a Notice of Hearing on November 15, 2017.

b. On July 6, 2018, the parties filed a “Confidential Settlement Agreement and Mutual Complete Mutual Release of All Claims” for the undersigned’s approval.¹ The parties requested that the Settlement Agreement remain confidential. The Settlement Agreement was signed in counterpart by each of the parties.

c. Having been advised of the settlement terms and having reviewed the Settlement Agreement, noting that the parties are represented by counsel, the undersigned finds the terms to be fair, adequate, reasonable, and not contrary to public policy.

¹ 29 C.F.R. § 1980.111(d)(2) and 29 C.F.R. § 1985.111(d)(2) state that at any time after the filing of objections to the Assistant Secretary’s findings and preliminary order, the case may be settled, and, if the case is before an administrative law judge, the settlement is contingent upon the approval of the administrative law judge.

3. Ruling and Order.

a. The Settlement Agreement is APPROVED and may be enforced pursuant to 29 C.F.R. § 1980.111(e). The parties shall implement the terms as stated in the Settlement Agreement, to the extent not otherwise accomplished. This Order shall have the same force and effect as one made after a full hearing on the merits.

b. The parties have agreed to keep the specific terms of the Settlement Agreement confidential pursuant to 29 C.F.R. § 70.26. Accordingly, the Settlement Agreement shall be sealed, remain confidential, and placed in a sealed envelope in the administrative file.

c. Notwithstanding the parties' agreement, the parties' submissions, including the Settlement Agreement, become part of the record of the case and are subject to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552(a). If a FOIA request is made for the Settlement Agreement, the U.S. Department of Labor will respond and decide whether to exercise its discretion to claim any applicable exemption. The parties are entitled to pre-disclosure notification rights under 29 C.F.R. § 70.26.

d. This case is DISMISSED with prejudice.

SO ORDERED this 19th day of July, 2018 in Covington, Louisiana.

**TRACY A. DALY
ADMINISTRATIVE LAW JUDGE**