



Issue Date: 23 February 2011

CASE NO.: 2011 STA 6
In the Matter of

PATRICK B. BUSH
Complainant

v.

ESTES EXPRESS LINES, INC.
Respondent

Appearances: Mr. Paul O. Taylor, Attorney
For the Complainant

Mr. David L. Terry, Attorney
For the Respondent

Before: Richard T. Stansell-Gamm
Administrative Law Judge

**DECISION AND ORDER-
APPROVAL OF SETTLEMENT AGREEMENT &
DISMISSAL OF COMPLAINT WITH PREJUDICE**

This action arises under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act ("STAA" or "Act") of 1982, as amended and re-codified, Title 49 United States Code Section 31105, and the corresponding agency regulations, Title 29, Code of Federal Regulations ("C.F.R.") Part 1978.¹ Section 405 of the STAA provides for employee protection from employer discrimination because the employee has engaged in a protected activity, consisting of either reporting violations of commercial motor vehicle safety rules or refusing to operate a vehicle when the operation would violate these rules or cause serious injury.

Pursuant to a Revised Notice of Hearing, dated November 15, 2010, I set a hearing date of February 1, 2011 for this case in Chicago, Illinois. On January 28, 2011, I received notice that the parties had settled the case and no longer required a hearing. Accordingly, I cancelled the February 1, 2011 hearing. On February 18, 2011, I received the parties' settlement agreement.

¹See 75 Fed. Reg. 53553-53558 (Aug. 31, 2010).

Having reviewed the settlement agreement and its provisions, which included dismissal of the complaint with prejudice, I find the terms, obligations, and conditions fair and reasonable. I also find the Claimant and Employer were ably represented by counsel and that the settlement was not procured by duress. Accordingly, I approve the parties' settlement and dismissal of the complaint with prejudice. The parties shall implement the terms of the approved settlement as specifically stated in their agreement.

ORDER²

The parties' settlement agreement is **APPROVED**. The complaint of Mr. Patrick B. Bush is **DISMISSED** with prejudice.

SO ORDERED:

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RICHARD T. STANSELL-GAMM
Administrative Law Judge

Date Signed: February 22, 2011
Washington, D.C.

²According to 29 C.F.R. § 1978.111(e), this order constitutes the final order of the Secretary.