



Issue Date: 09 September 2014

CASE NO.: 2011-STA-22

IN THE MATTER OF

JEFFREY COLE

Complainant

v.

R. CONSTRUCTION COMPANY

Respondent

**ORDER APPROVING SETTLEMENT
AGREEMENT AND DISMISSING CASE**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982, 49 U.S.C.A. §31105 (West 2008), (herein STAA) and the implementing regulations at 29 C.F.R. Part 1978.

On July 31, 2013, the Administrative Review Board issued a Decision and Order of Remand affirming the undersigned's finding that Respondent violated the STAA, but remanded the award of back pay for further proceedings.

On August 14, 2014, the parties filed a Joint Motion to Dismiss based on a Settlement Agreement reached in this matter as memorialized in their "Release of Judgment Lien."

Pursuant to Section 31105(b)(2)(C) of the Act, "[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation" under regulations implementing the STAA, the parties may settle a case at any time after the filing of objections to the Secretary's findings "if the participating parties agree to a settlement and

such settlement is approved by the Administrative Review Board. . . or the ALJ." 29 C.F.R. §1978.111(d)(2). Under the STAA a settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, and reasonable, and in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993). Consistent with that required review, the regulations direct the parties to file a copy of the settlement "with the ALJ or the Administrative Review Board as the case may be." *Id.*

I have carefully reviewed the parties' settlement agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest.

Accordingly, **IT IS ORDERED** the settlement agreement be approved and the instant complaint be withdrawn with prejudice.

ORDERED this 9th day of September, 2014, at Covington, Louisiana.

LEE J. ROMERO, JR.
Administrative Law Judge