



Issue Date: 20 June 2012

Case No.: 2012-STA-00009

In the Matter of:

JASON FORD,
Complainant,

v.

HEARTLAND TRANSPORTATION, INC.,
Respondent.

**DECISION AND ORDER
APPROVING SETTLEMENT
AND DISMISSING CASE**

This proceeding arises from a complaint filed by Mr. Jason Ford against Heartland Transportation, Inc., and the resultant appeal of the Secretary's findings. The complaint was filed under Section 405 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and the regulations promulgated thereunder, 29 C.F.R. Part 1978 (1989). On June 4, 2012, counsel for the Claimant filed a Joint Motion to Approve Settlement and to Dismiss with Prejudice along with a proposed order in accordance with 29 C.F.R. § 1978.11 1(d)(2). The Agreement was signed by the Complainant and by the counsel for the Respondent and for the Department of Labor.

The Act and implementing regulations provide that a proceeding under the Act may be ended prior to entry of a final order by a settlement agreement between the parties. 49 U.S.C. §311105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). The Administrative Law Judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the Act. *Ass't Sec'y & Zurenda v. Corporate Express Delivery Systems, Inc.*, ARB No. 00-04 1, OALJ No. 1999-STA-30 (ARB March 31, 2000); *Champlin v. Florilli Corp.*, OALJ No. 1991-STA-7 (Sec'y, May 20, 1992). Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Settlement Agreement, and I have determined that it constitutes a fair, adequate and reasonable settlement of the complaint. The signed agreement is made a part of the case file.

ORDER

It is hereby **ORDERED** that:

1. The “Joint Motion to Approve Settlement and to Dismiss with Prejudice Claim” is **APPROVED** and
2. The appeal of Jason Ford is **DISMISSED** with prejudice.

A

KENNETH A. KRANTZ
Administrative Law Judge

KAK/mrc
Newport News, Virginia