



Issue Date: 17 July 2013

CASE NO: 2012-STA-00052

In the Matter of:

PATRICIA JENSEN,
Complainant,

v.

HINZ ENTERPRISES LLC,
RODNEY HINZ, and
JASON LACOUR,
Respondents.

ORDER APPROVING SETTLEMENT

The parties in the above-captioned matter have submitted an executed Settlement Agreement and Release of Claims for review. I find that its terms are fair, adequate, and reasonable, and do not contravene the public interest. However, it appears to be a global settlement purporting to dispose of claims in addition to the claim brought under the Surface Transportation Assistance Act. My authority to approve the settlement agreement is limited to matters that are before me – that is, to approve the settlement agreement only insofar as it resolves the complaint under the Act. My approval should not be construed as approval of the resolution of any claims brought under any other federal statute or under state law.

In addition, I construe paragraph J, stating that the agreement and release "shall be construed under the laws of Iowa" as not limiting the authority of the Secretary of Labor or any Federal court, which shall be governed in all respects by the laws and regulations of the United States.¹

¹ *Phillips v. Citizens' Ass'n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec'y Nov. 4, 1991).

Accordingly, with the reservations noted above and limiting my approval to the claim brought under the Surface Transportation Assistance Act, IT IS ORDERED:

1. The Settlement Agreement and Release of Claims is APPROVED; and
2. The Complaint is DISMISSED WITH PREJUDICE.

SO ORDERED.

PAUL C. JOHNSON, JR.
Associate Chief Administrative Law Judge