



Issue Date: 12 August 2013
Case No.: 2012 STA 44

In the Matter of
JOHN WHEATON,
Complainant

v.

PTG LOGISTICS, LLC,
CLARK DIETRICH BUILDING SYSTEMS, and
KEITH NEWSOME,
Respondents

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 Continuance Order and Revised Notice of Hearing, dated April 9, 2013, I set a hearing date of August 21, 2013 for this case in Chicago, Illinois. On May 28, 2013, I received notice from Complainant's counsel that the parties had reached a settlement and requested that the scheduled hearing be cancelled. In response, I continued the proceedings and cancelled the scheduled hearing. On August 7, 2013, I received the executed settlement agreement.

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

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

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I have sealed the settlement agreement. However, 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 have to respond and decide whether to exercise its discretion to claim any applicable exemption.²

ORDER³

The parties' settlement agreement is **APPROVED**. The STAA complaint of Mr. John Wheaton is **DISMISSED** with prejudice.

SO ORDERED:

Richard T. Stansell-Gamm
Administrative Law Judge

Date Signed: August 9, 2013
Washington, D.C.

²See *Debose v. Carolina Power and Light Co.*, 92-ERA-14 (Sec'y Feb. 7, 1994) and *Darr v Precise Hard Chrome*, 95-CAA-6 (Sec'y May 9, 1995).

³According to 29 C.F.R. § 1978.111(e), this order constitutes the final order of the Secretary.