



**Issue Date: 22 October 2012**

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In the Matter of  
**ROBERT WILLIAMS,**  
Complainant

Case Nos.: 2012 STA 14, 15, and 16

v.

**MORRELL CONSULTING LLC,  
FLOYD CURTIS, and  
WALTER MORRELL,**  
Respondents

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Appearances: Paul O. Taylor, Attorney  
Cassidy M. Nee, Personal Representative  
For the Complainant

Carol C. Barnett, Attorney  
Seth Wright, Attorney  
For the 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.<sup>1</sup> 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 Second Revised Notice of Hearing, dated May 24, 2012, I set a hearing date of September 12, 2012 for this case in Kansas City, Missouri. On August 28, 2012, I received notice that the parties had reached a settlement. In response, on September 10, 2012, I continued

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<sup>1</sup>See 75 Fed. Reg. 53553-53558 (Aug. 31, 2010).

the proceedings and cancelled the scheduled hearing. On October 19, 2012, I received the executed settlement agreement.

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

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.<sup>2</sup>

### **ORDER<sup>3</sup>**

The parties' settlement agreement is **APPROVED**. The three STAA complaints of Mr. Robert Williams are **DISMISSED** with prejudice.

**SO ORDERED:**

RICHARD T. STANSELL-GAMM  
Administrative Law Judge

Date Signed: October 22, 2012  
Washington, D.C.

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<sup>2</sup>See *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).

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