

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 12 June 2012**

Case No.: 2012-STA-2

In the Matter of:

JEFFREY CARDER,  
Complainant,

v.

SOUTHERN ILLINOIS MOTOR XPRESS, INC.,  
TIM CLEVENZ, JOHN DOE AND MARY ROE,  
Respondents.

Appearances: Mr. Paul O. Taylor, Attorney  
For the Complainant

Mr. Gary L. Smith, Attorney  
For the Respondent

Before: Peter B. Silvain, Jr.  
Administrative Law Judge

**DECISION AND ORDER – APPROVAL OF SETTLEMENT  
AGREEMENT & DISMISSAL OF COMPLAINT WITH PREJUDICE**

This proceeding 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, 49 U.S.C. § 31101 *et seq.* and the corresponding agency regulations, 29, C.F.R. Part 1978. 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 Notice of Hearing, dated March 2, 2012, I set a hearing date of May 24, 2012 for this case in Benton, Illinois. On April 23, 2012, I received notice that the parties had settled the case and no longer required a hearing. Accordingly, I cancelled the May 24, 2012 hearing. On June 1, 2012, I received the parties’ settlement agreement.

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

**ORDER<sup>1</sup>**

The parties' settlement agreement is **APPROVED**. The Complaint of Jeffrey Carder is **DISMISSED** with prejudice.

**SO ORDERED.**

**A**

PETER B. SILVAIN, JR.  
Administrative Law Judge

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<sup>1</sup> According to 29 C.F.R. § 1978.111(e), this order constitutes the final order of the Secretary.