

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 24 September 2007

Case No: 2006STA00016

IN THE MATTER OF:

ASSISTANT SECRETARY OF LABOR FOR
OCCUPATIONAL SAFETY AND HEALTH,
Prosecuting Party,

and

FERNANDO WHITE,
Complainant,

v.

NATURALLY FRESH, INCORPORATED,
Respondent,

and

TRUSTEE OF THE BANKRUPTCY ESTATE OF
FERNANDO DEMECO WHITE,
Party-in-Interest.

RECOMMENDED ORDER APPROVING SETTLEMENT

This matter arose out of a discrimination complaint filed under the whistleblower protection provision of the Surface Transportation Assistance Act of 1982 (“STAA” or “Act”), as amended and recodified, 49 U.S.C.A. § 31105 (2000), and its implementing regulations, 29 C.F.R. Part 1978 (2007). In this case, on September 19, 2007, the Assistant Secretary of Labor for Occupational Safety and Health filed, on behalf of the parties, a Report of Settlement and Motion to Dismiss (“Report and Motion”). Attached to the Report and Motion was a copy of the parties’ Settlement and Full and Final Release of All Claims (“Agreement”), the terms of which

the Presiding Judge has carefully reviewed and finds to be a fair, adequate, and reasonable settlement of the complaint.¹

Accordingly, IT IS ORDERED that, pursuant to 49 U.S.C. § 31105(b)(2)(C) and 29 C.F.R. § 1978.111(d)(2), the parties' Agreement and withdrawal of Complainant's complaint are hereby **APPROVED** and the claim **DISMISSED WITH PREJUDICE**.

SO ORDERED.

A

Daniel A. Sarno, Jr.
Administrative Law Judge

DAS/mam

¹ Under the Act, the Presiding Judge's authority to approve the settlement is limited to terms and conditions that resolve issues that arose out of the employment relationship in the context of alleged violations of the Act. Accordingly, the Presiding Judge's review of the settlement in this case covers only those provisions over which the Presiding Judge has jurisdiction. *Ass't Sec'y & Zurenda v. Corporate Express Delivery Systems, Inc.*, ARB No. 00-041, ALJ No. 1999-STA-00030 (ARB March 31, 2000).