



In the Matter of:

JAMES L. LEONARD,

ARB CASE NO. 02-082

COMPLAINANT,

ALJ CASE NO. 02-STA-24

v.

DATE: August 28, 2003

BOWEVIL EXPRESS, LLC,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

James L. Leonard, *pro se*, Fayetteville, Tennessee

For the Respondent:

J. Chadwick Hatmaker, Esq., *Woolf, McClane, Bright, Allen & Carpenter, PLLC, Knoxville, Tennessee*

FINAL DECISION AND ORDER

This case arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (2000). On May 17, 2002, the parties submitted a Mutual Release and Settlement Agreement to an Administrative Law Judge (ALJ). The ALJ approved the settlement pursuant to 29 C.F.R. § 1978.111(d)(2) (2001) and, on May 24, 2002, issued a Decision and Order Approving Settlement and Dismissing Complaint. Pursuant to 29 C.F.R. § 1978.109(c)(2), the Board issued a briefing schedule and the parties were invited to submit briefs in support of or in opposition to the ALJ's decision. Neither party did so.

Under regulations implementing the STAA, the parties may settle a case at any time after the filing of objections to the Assistant Secretary's preliminary findings "if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board . . . or the ALJ." 29 C.F.R. § 1978.111(d)(2). The regulations direct the parties to file a copy of the settlement "with the ALJ or the

Administrative Review Board, United States Department of Labor, as the case may be.” *Id.* In this case, at the time the parties reached settlement, the case was pending before the ALJ. Therefore, the ALJ appropriately reviewed the settlement agreement. Pursuant to 29 C.F.R. § 1978.109(c), this Board issues a final decision and order in this case. *Monroe v. Cumberland Transportation Corp.*, ARB No. 01-101, ALJ No. 00-STA-50 (ARB Sept. 26, 2001); *Cook v. Shaffer Trucking Inc.*, ARB No. 01-051, ALJ No. 00-STA-17 (ARB May 30, 2001).

Accordingly, we **AFFIRM** the ALJ’s May 24, 2002 Decision and Order and **DISMISS** the complaint with prejudice.

SO ORDERED.

JUDITH S. BOGGS
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge