



In the Matter of:

ROBIN J. VINESETT,

ARB CASE NO. 02-090

COMPLAINANT,

ALJ CASE NO. 02-STA-17

v.

DATE: August 28, 2003

UNITED PARCEL SERVICE,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Paul O. Taylor, Truckers Justice Center, Eagan, Minnesota

For the Respondent:

Meredith W. Holler, Alston & Bird LLP, Charlotte, North Carolina

FINAL ORDER DISMISSING APPEAL

This case arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105 (2000). On May 30, 2002, the parties submitted a Settlement Agreement and General Release to an Administrative Law Judge (ALJ). The ALJ approved the settlement pursuant to 29 C.F.R. § 1978.111(d)(2) (2001) and, on June 6, 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 adopt and **AFFIRM** the ALJ's June 6, 2002 Decision and Order, as attached, and **DISMISS** the complaint with prejudice.

SO ORDERED.

JUDITH S. BOGGS
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge