In the Matter of:

COLIN MINCHAM,   ARB CASE NO.   04-122

                COMPLAINANT,   ALJ CASE NO.   03-STA-00043

        v.   DATE: September 20, 2004

ACCURATE TRANSMISSIONS, INC.,

                RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Respondent:
Kimberly A. Carr, Esq., *Best, Vanderlaan, & Harrington, Joliet, Illinois,*

FINAL ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982, 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978 (2003). The Administrative Law Judge (ALJ) below issued a Recommended Decision and Order recommending approval of the parties' settlement agreement and dismissal of the complaint with prejudice.

Pursuant to 29 C.F.R. § 1978.109(c), the Administrative Review Board "shall issue the final decision and order based on the record and the decision and order of the administrative law judge." The parties have not filed any objections to the Recommended Decision and Order.

The ARB concurs with the ALJ's determination that the parties' settlement agreement is fair, adequate and reasonable. However, we note that the agreement encompasses the settlement of matters under laws other than the STAA. *See* ¶¶ 2(B), 4. Because the Board's authority over settlement agreements is limited to such statutes as are within the Board's jurisdiction and is defined by the applicable statute, we approve

only the terms of the agreement pertaining to the Complainant's STAA claim. *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 00-STA-56, slip op. at 2 (ARB Apr. 30, 2003).

The parties have agreed to settle the Complainant's STAA claim. Accordingly, with the reservation noted above limiting our approval to the settlement of the Complaint's STAA claim, we **APPROVE** the agreement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge