



In Matter of:

JONATHAN GOMAZ,

ARB CASE NO. 05-021

COMPLAINANT,

ALJ CASE NO. 2004-STA-15

v.

DATE: April 29, 2005

ROADWAY EXPRESS, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978 (2004). Complainant Jonathan Gomaz filed an amended complaint with OSHA alleging that the Respondent suspended him from his employment in violation of the STAA. The parties agreed to settle the case. On November 23, 2004, the Administrative Law Judge (ALJ) issued an Order approving the parties' settlement agreement and dismissing the complaint with prejudice.

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." 29 C.F.R. § 1978.109(c); *Monroe v. Cumberland Transp. Corp.*, ARB No. 01-101, ALJ No. 00-STA-50 (ARB Sept. 26, 2001).

On December 2, 2004, the Board issued a Notice of Review and Briefing Schedule permitting either party to submit briefs in support of or in opposition to the ALJ's order. None of the parties filed a response with the Board.

The parties have certified that the agreement constitutes the entire settlement with respect to Gomaz's STAA claims. The ARB has reviewed the settlement agreement and finds it fair, adequate and reasonable. Accordingly, we **APPROVE** the ALJ's order and **DISMISS** the complaint with prejudice.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge