



**In the Matter of:**

**MICHAEL A. GLOVER,**

**ARB CASE NO. 06-007**

**COMPLAINANT,**

**ALJ CASE NO. 2005-STA-019**

**v.**

**DATE: December 31, 2007**

**ARMADILLO EXPRESS,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearance:**

***For the Complainant:***

**Michael A. Glover, *pro se*, Roy, Utah**

**FINAL DECISION AND ORDER**

This case arises under the employee protection provisions of the Surface Transportation Assistance Act (STAA) of 1982, as amended and recodified, 49 U.S.C.A. § 31105 (West 1997).<sup>1</sup> Section 31105 protects from discrimination employees who report violations of commercial motor vehicle safety rules or who refuse to operate a vehicle when such operation would violate those rules. Michael A. Glover alleges that his former employer, Armadillo Express, violated the STAA by reprimanding, suspending, and discharging him from employment. After a hearing, a Department of Labor Administrative Law Judge (ALJ) concluded that Glover failed to prove that Armadillo

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<sup>1</sup> The STAA has been amended since Glover filed his complaint. *See* Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, 121 Stat. 266 (Aug. 3, 2007). It is not necessary to decide whether the amendments are applicable to this complaint, because they are not relevant to the issues presented by the case and thus, they would not affect our decision.

Express violated the STAA. The Administrative Review Board automatically reviews an ALJ's recommended STAA decision. 29 C.F.R. § 1978.109(c)(1)(2007).

### **JURISDICTION AND STANDARD OF REVIEW**

We have jurisdiction to decide this matter by authority of 49 U.S.C.A. § 31105(b)(2)(C) and 29 C.F.R. § 1978.109(c). Under the STAA, the Administrative Review Board is bound by the ALJ's factual findings if substantial evidence on the record considered as a whole supports those findings. 29 C.F.R. § 1978.109(c)(3); *BSP Transp., Inc. v. U.S. Dep't of Labor*, 160 F.3d 38, 46 (1st Cir. 1998); *Castle Coal & Oil Co., Inc. v. Reich*, 55 F.3d 41, 44 (2d Cir. 1995). Substantial evidence is that which is "more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Clean Harbors Env'tl. Servs. v. Herman*, 146 F.3d 12, 21 (1st Cir. 1998) (quoting *Richardson v. Perales*, 402 U.S. 389, 401 (1971)). In reviewing the ALJ's conclusions of law, the Board, as the Secretary's designee, acts with "all the powers [the Secretary] would have in making the initial decision . . . ." 5 U.S.C.A. § 557(b) (West 1996). *See also* 29 C.F.R. § 1978.109(b). Therefore, the Board reviews the ALJ's conclusions of law de novo. *Roadway Express, Inc. v. Dole*, 929 F.2d 1060, 1066 (5th Cir. 1991).

### **DECISION**

The ALJ's decision thoroughly and fairly recites the relevant facts underlying this dispute. We have reviewed the record and find that substantial evidence on the record as a whole supports the ALJ's findings. Those findings are therefore conclusive. 29 C.F.R. § 1978.109(c)(3). The ALJ's decision is in accordance with law. Accordingly, we adopt and attach the ALJ's R. D. & O. and **DENY** Glover's complaint.

**SO ORDERED.**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

**M. CYNTHIA DOUGLASS**  
**Chief Administrative Appeals Judge**