

U.S. Department of Labor

Office of Administrative Law Judges
St. Tammany Courthouse Annex
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Covington, LA 70433

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Issue Date: 11 April 2007

CASE NO.: 2006-STA-46

IN THE MATTER OF

**KELVIN W. STALLION,
Complainant**

v.

**LCT TRANSPORTATION SERVICES,
Respondent**

**RECOMMENDED ORDER APPROVING SETTLEMENT,
COMPLAINANT'S WITHDRAWAL OF OBJECTIONS
AND COMPLAINANT'S DISMISSAL OF CLAIM**

This case was brought under the Surface Transportation Assistance Act, 49 U.S.C. § 31105. On August 17, 2006, OSHA made a determination that Complainant's complaint of discrimination had no merit. Complainant appealed the decision to the Office of Administrative Law Judges, and a formal hearing was scheduled for December 12, 2006, in Birmingham, Alabama. At that time and place, the parties gathered and as evidenced by the transcript made that day in open court, a settlement of this case was reached. Specifically, Complainant agreed to dismiss his appeal in exchange for \$1,000.00. In that regard a release dated February 13, 2007, and attached as Exhibit A, and a joint stipulation of dismissal dated April 10, 2007, attached as Exhibit B, have been executed.

Therefore, based on the facts revealed and set out in the 10-page transcript of December 12, 2006, it is hereby **ORDERED** in exchange for the \$1,000.00 that Complainant's appeal of OSHA's determination of August 17, 2006 is **DISMISSED WITH PREJUDICE**.

So ORDERED this 11th day of April, 2007, at Covington, Louisiana.

A

**C. RICHARD AVERY
Administrative Law Judge**

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Settlement, Withdrawal of Objections and Dismissing Claim, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Settlement, Withdrawal of Objections and Dismissing Claim, the parties, if opposed, may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.