

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 01 November 2006

CASE NO. 2006-STA-00007

In the Matter of:

ROBERT WHITE,
Complainant,

V.

MARICOPA READY MIX, LLC,
Respondent

**RECOMMENDED ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This proceeding arises under Section 31105 of the Surface Transportation Assistance Act (STAA) of 1982 (49 U.S.C. § 31101) and the regulations promulgated thereunder [29 C.F.R. Part 1978 (1989)]. The parties, on October 30, 2006, filed a Settlement Agreement in accordance with 29 C.F.R. § 1978.111(d)(2). The Agreement resolves the controversy arising from the complaint of Robert White under the statute.

Paragraph M. provides that the agreement shall be governed and construed under the laws of the State of Arizona. This choice of law provision is construed as not limiting the authority of the Secretary of Labor and any Federal court, which shall be governed in all respects by the laws and regulations of the United States. See *Phillips v. Citizens. Ass.n for Sound Energy*, No. 91-ERA-25, slip op. at 2 (Sec.y Nov. 4, 1991).

Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Settlement Agreement, and I find that it constitutes a fair, adequate and reasonable settlement of the complaint.

Accordingly, **IT IS HEREBY ORDERED** that:

- (1) the parties' Settlement Agreement is hereby approved; and
- (2) the above-captioned complaint is hereby dismissed with prejudice.

A

Russell D. Pulver
Administrative Law Judge

NOTICE OF REVIEW: The administrative law judge's Recommended Order Approving Settlement, 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, the parties 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.