

**U.S. Department of Labor**

Office of Administrative Law Judges  
Seven Parkway Center - Room 290  
Pittsburgh, PA 15220

(412) 644-5754  
(412) 644-5005 (FAX)



**Issue Date: 03 January 2008**

CASE NO.: 2007-STA-00026

In the Matter of:

MICHAEL WOODLEY  
Complainant  
v.

THE SYGMA NETWORK, INC.  
Respondent

Appearances: Ronald Schwartz, Esq.  
Chicago, Illinois  
For the Complainant

John Murphy, Esq.  
Chicago, Illinois  
Attorney for the Respondent

Before: Daniel L. Leland  
Administrative Law Judge

**RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT AGREEMENT  
AND DISMISSING COMPLAINT**

This proceeding arises under the employee protection provisions of the Surface Transportation and Assistance Act of 1982 (STAA), 49 U.S.C.A. § 31105, and its implementing regulations found at 29 C.F.R. Part 1978 (2004). On December 28, 2007, Complainant submitted a Withdrawal Request pursuant to 29 C.F.R. § 1978.111(d)(2). Attached to Complainant's motion was a copy of the settlement agreement, signed by both parties, and a copy of the National Labor Relation Board's (NLRB) Order Approving Withdrawal and Dismissal of Complaint.

Pursuant to 29 C.F.R. § 1978.111(d)(2), at any time after the filing of objections to the Assistant Secretary's findings and/or order, the case may be settled if the participating parties agree to a settlement which is approved by the Administrative Review Board, the United States Department of Labor, or the ALJ. The ALJ's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately, and reasonably settle the complainant's allegations that the respondent violated the Act. *Ass't Sec'y & Zurenda v. Corporate Express Delivery Systems, Inc.*, ARB No. 00-041, OALJ No. 1999-STA-30 (ARB March 31, 2000); *Champlin v. Florilli Corp.*, OALJ No. 1991-STA-7 (Sec'y May 20, 1992).

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

ORDER

IT IS HEREBY ORDERED THAT:

1. The parties' proposed confidential Settlement Agreement and Release is APPROVED.
2. The above-captioned complaint is DISMISSED with prejudice.
3. The Settlement Agreement and Release shall be given such restricted handling as may be necessary to comply with the provisions of 29 C.F.R. § 70.26.
4. The hearing scheduled in the above-captioned matter for March 4 and 5, 2008, in Chicago, Illinois, is CANCELLED.

**A**

Daniel L. Leland  
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.