

U.S. Department of Labor

Office of Administrative Law Judges
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Cincinnati, Ohio 45202

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Issue Date: 25 August 2005

Case No: 2005-STA-0023

In the Matter of:

RICK JACKSON,
Complainant

v.

LOGISTICS SERVICES, INC.,
Respondent

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This action arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. § 2305, and the implementing regulations of the Secretary of Labor published at 29 C.F.R. Part 1978, by virtue of a Complaint filed by Rick Jackson.

After investigation of the Complaint, George Yoksas, Area Director, Occupational Safety and Health Administration, U.S. Department of Labor, issued the Secretary's Findings which were adverse to the Complainant. The Complainant appealed the findings and the case was transferred to the Office of Administrative Law Judges for hearing.

Pursuant to a Notice of Hearing and Prehearing Order which issued on March 15, 2005, a formal hearing was scheduled to commence on August 23, 2005, in Madison, Wisconsin. On May 25, 2005, the Complainant, acting *pro se*, submitted a letter stating that he had signed an agreement with the Respondent and that the case was settled to his satisfaction. On June 8, 2005, the Respondent, through counsel, submitted a similar letter stating that the parties had settled their claims. On August 9, 2005, an Order was issued directing the parties to file the settlement agreement by August 19, 2005, and canceling the hearing scheduled for August 23, 2005.

On August 17, 2005, the parties filed, by facsimile, a fully executed Settlement Agreement and Release. A copy of the Agreement is attached hereto and made a part of this Order. The Agreement provides for the payment of \$2,000.00 by the Respondent to the Complainant and for dismissal with prejudice

of this complaint. After review of the Settlement Agreement, I find it to be fair and reasonable and it will be approved.

ORDER

It is, therefore,

ORDERED that the Settlement Agreement and Release is hereby APPROVED, and the complaint of Rick Jackson is DISMISSED with prejudice.

A

Robert L. Hillyard
Administrative Law Judge

Attachment

NOTICE OF REVIEW: The Administrative Law Judge's Recommended Decision and 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, N.W., Washington, D.C., 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 Decision and 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 Decision and 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.