



Issue Date: 29 March 2005

CASE NO.: 2005-STA-00022

In the Matter of:

MICHAEL SICARD,
Complainant,

vs.

NIMBUS LANDSCAPING MATERIALS, INC.,
Respondent.

**RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT**

This claim arises under the employee protection provisions of the Surface Transportation Act of 1982 (STAA), 49 U.S.C. § 31105, and the implementing regulations of the Secretary of Labor published at 29 C.F.R. Part 1978, as a result of a complaint filed by Michael Sicard. The Notice of Trial and Pre-Trial Order was issued on March 1, 2005, scheduling this matter for hearing on March 24, 2005, in Sacramento, California.

Complainant's counsel, Paul Taylor submitted an Unopposed Motion to Approve Settlement and Dismiss Proceeding attached with an original Settlement Agreement and Full and Final Release of All Claims on March 22, 2005, and received on March 25, 2005. The Settlement Agreement is complete and bears the signatures of the Complainant and an official of the Respondent. Upon review of the terms of the agreement and the case record, I find that the agreement is fair, adequate, and reasonable.

It is therefore ordered that the Settlement Agreement and Full and Final Release of All Claims is hereby **APPROVED**, and it is further ordered that the complaint be **DISMISSED** with prejudice pursuant to 29 C.F.R. § 1978.1119(d)(2).

A

ALEXANDER KARST
Administrative Law Judge

AK:vc

NOTICE: This Decision and Order Approving Settlement and the administrative file in this matter will be forwarded to the Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210, for entry of a Final Order. *See* 29 C.F.R. § 1978.109(a) and 1978.109(c); *Howick v. Experience Hendrix, LLC*, ARB No. 02-049, ALJ No. 2000-STA-32 (ARB Sept. 26, 2002).