

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 30 May 2008**

CASE NO.: 2007-STA-00036

*In the Matter of:*

LANCE PHILIP ASH,  
Complainant,

vs.

TRI-STATE MOTOR TRANSIT CO.,  
Respondent.

Appearances: Lance Philip Ash,  
For the Complainant

Patrick M. Sanders, Esquire  
For the Respondent

Before: Jennifer Gee  
Administrative Law Judge

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

This matter is before me on a request by Lance Philip Ash, the Complainant, for a hearing before the Office of Administrative Law Judges ("OALJ") under the employee protection provision of the Surface Transportation Assistance Act of 1982 ("Act" or "STAA"), 49 U.S.C. § 31105. The Complainant objected to findings issued by the Regional Administrator of the Department of Labor's Occupational Safety and Health Administration ("OSHA"), which found no merit in a complaint he filed alleging that the Respondent violated § 405 of the STAA by discharging him in reprisal for making verbal complaints about unsafe trailer load conditions and incorrect manifests.

In response to suggestions I made during a telephone conference call with the parties, the parties asked that a settlement judge be appointed to help them resolve the issues in this case. A settlement judge was appointed, and the parties were able to resolve the complaint.

The parties have now submitted a “General Settlement and Release Agreement” (“settlement agreement”) for my review which sets forth the terms of the settlement. I have reviewed the settlement agreement and find it to be fair, reasonable, and adequate.

It is therefore ORDERED that the General Settlement and Release Agreement is hereby APPROVED. It is further ORDERED that the complaint in this matter be dismissed with prejudice pursuant to 29 C.F.R. § 1978.111(d)(2).

A

JENNIFER GEE  
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.