

U.S. Department of Labor

Office of Administrative Law Judges
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Pittsburgh, PA 15220

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Issue Date: 15 December 2004

CASE NO.: 2002-STA-46

In the Matter of:

JAMES V. SAMSEL,
Complainant,

v.

ROADWAY EXPRESS, INC.,
Respondent.

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

This proceeding arises under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act ("STAA") of 1982, 49 U.S.C. § 31105, and the implementing regulations promulgated thereunder, 29 C.F.R. Part 1978. On December 13, 2004, the parties submitted an executed Agreed Order of Settlement and Dismissal of Case. The agreement has been executed by the parties and has been submitted for approval to the undersigned.

The Act and implementing regulations provide that a proceeding under the Act may be ended prior to a final order by a settlement agreement between the parties. It is noted that any settlement of a case under the Act must be approved by the Administrative Law Judge, and a final order issued by the Administrative Review Board. 49 U.S.C. § 31105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). The undersigned, having carefully reviewed the Agreed Order of Settlement and Dismissal of Case, concludes that this settlement is a fair, adequate and reasonable settlement of the complaint. 29 C.F.R. § 1978.111. *Kidd v. Sharron Motor Lines, Inc.*, 87-STA-2 (Sec'y July 30, 1987).

ORDER

IT IS ORDERED that:

- (1) the settlement agreement is hereby APPROVED and recommended for approval by the Administrative Review Board; and
- (2) the complaint of James Samsel is hereby DISMISSED.

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RICHARD A. MORGAN
Administrative Law Judge

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).