



In the Matter of:

**ASSISTANT SECRETARY OF LABOR
FOR OCCUPATIONAL SAFETY AND
HEALTH,**

ARB CASE NO. 04-133

ALJ CASE NO. 02-STA-00047

PROSECUTING PARTY,

DATE: September 28, 2004

and

DOUGLAS OXIER,

COMPLAINANT,

v.

SHELLEY MATERIALS, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978 (2003). The Administrative Law Judge (ALJ) below issued a Decision and Order approving the parties' stipulation and settlement agreement and dismissing the complaint with prejudice.

Pursuant to 29 C.F.R. § 1978.109(c), the Administrative Review Board "shall issue the final decision and order based on the record and the decision and order of the administrative law judge." July 8, 2004, the Board issued a Notice of Review and Order to Show Cause permitting either party to show cause why the Board should not approve the ALJ's order. Neither party objected to the ALJ's order.

The ARB concurs with the ALJ's determination that the parties' settlement agreement is fair, adequate and reasonable. The parties have agreed to settle Douglas Oxier's STAA claim. Accordingly, we **APPROVE** the agreement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge