

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-3604

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|------------------------------------|---|------------------------------------|
| Gene K. Chapman,                   | * |                                    |
|                                    | * |                                    |
| Petitioner,                        | * |                                    |
|                                    | * |                                    |
| v.                                 | * |                                    |
|                                    | * | Petition for Review of an          |
| United States Department of Labor, | * | Order of the United States         |
|                                    | * | Department of Labor Administrative |
| Respondent,                        | * | Review Board.                      |
|                                    | * |                                    |
| Heartland Express of Iowa,         | * | [UNPUBLISHED]                      |
|                                    | * |                                    |
| Respondent–Intervenor              | * |                                    |
| on Appeal.                         | * |                                    |

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Submitted: March 23, 2004

Filed: April 1, 2004

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Before FAGG, BEAM, HANSEN, Circuit Judges.

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PER CURIAM.

Gene Chapman, a former employee driver of Heartland Express of Iowa, appeals from the final order of the United States Department of Labor Administrative Review Board, which adopted the Administrative Law Judge's decision that

Heartland did not discriminate in violation of the Surface Transportation Assistance Act (STAA) when it terminated Chapman's employment.

We have reviewed the record before us, the parties' submissions on appeal, as well as the applicable law and we conclude that the agency's decision is supported by substantial evidence. Simon v. Simmons Foods, Inc., 49 F.3d 386, 389 (8th Cir. 1995) ("Our review of the Secretary's order is controlled by the Administrative Procedure Act under which an agency decision will be set aside if it is unsupported by substantial evidence or is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law."). Because we have nothing to add to the analysis already conducted, we affirm without additional discussion. See 8th Cir. R. 47B.

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