



**In the Matter of:**

**SHERRY WILLISTON,**

**ARB CASE NO. 03-066**

**COMPLAINANT,**

**ALJ CASE NO. 02-STA-041**

**v.**

**DATE: October 31, 2003**

**SUPER SERVICE,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Complainant:*

**Anthony R. Comden, Esq., Varnum, Riddering, Schmidt & Howlet, Grand Rapids, Michigan**

*For the Respondent:*

**Paul O. Taylor, Esq., Eagan, Minnesota**

**FINAL ORDER APPROVING SETTLEMENT AGREEMENT  
AND DISMISSING COMPLAINT WITH PREJUDICE**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982, 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978. The Administrative Law Judge (ALJ) below issued a Recommended Decision and Order recommending approval of the parties' settlement agreement and dismissal of the complaint with prejudice. *Williston v. Super Service*, ALJ No. 02-STA-041 (Feb. 20, 2003).

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." On February 10, 2003, the parties indicated by telephone that they have no objections to the Recommended Decision and Order.

We concur with the ALJ's determination that the parties' settlement agreement is fair, adequate and reasonable. We adopt as our own the ALJ's Recommended Decision and Order Approving Settlement and Dismissing with Prejudice and attach it herewith.

### **CONCLUSION**

The parties have agreed to settle the Complainant's STAA claim. Accordingly, we **APPROVE** the agreement and **DISMISS** the complaint.

**SO ORDERED.**

**JUDITH S. BOGGS**  
**Administrative Appeals Judge**

**M. CYNHIA DOUGLASS**  
**Chief Administrative Appeals Judge**