



In the Matter of:

ROGER H. MONROE,

ARB CASE NO. 01-101

COMPLAINANT,

ALJ CASE NO. 00-STA-50

v.

DATE: September 26, 2001

CUMBERLAND TRANSPORTATION CORP.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

Appearances:

For the Complainant:

Roger H. Monroe, *pro se*, Bridgeport, New York

For the Respondent:

Stephen J. Vollmer, Esq., Bond, Schoeneck & King, LLP, Syracuse, New York

FINAL DECISION AND ORDER

This case arises under the whistleblower protection provision of the Surface Transportation Assistance Act (STAA), 49 U.S.C.A. §31105 (West 1997), and its implementing regulations at 29 C.F.R. Part 1978 (2001). While the case was pending before a Department of Labor Administrative Law Judge (ALJ), the parties requested the ALJ to approve a settlement agreement and Roger Monroe, the complainant, requested the ALJ to approve his request to withdraw his complaint. The ALJ reviewed the terms of the settlement agreement and determined that “it constitutes a fair, adequate and reasonable settlement of the complaint.” The ALJ approved the settlement and dismissed the complaint.

Pursuant to STAA §31105(b)(2)(C), “[b]efore the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.” Under regulations implementing the STAA, the

^{1/} This Appeal has been assigned to a panel of two Board members, as authorized by Secretary’s Order 2-96. 61 Fed. Reg. 19,978 §5 (May 3, 1996).

parties may settle a case at any time after the filing of objections to the Assistant Secretary's preliminary findings "if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board . . . or the ALJ." 29 C.F.R. §1978.111(d)(2). The regulations direct the parties to file a copy of the settlement "with the ALJ or the Administrative Review Board as the case may be." *Id.* In this case, at the time the parties reached a settlement, the case was pending before the ALJ. Therefore, the ALJ appropriately reviewed the settlement agreement. However, pursuant to 29 C.F.R. §1978.109(c), the Administrative Review Board, must, nevertheless, issue a final decision and order in this case. *Cook v. Shaffer Trucking Inc.*, ARB No. 01-051, ALJ No. 00-STA-17 (ARB May 30, 2001).

Accordingly, the Settlement Agreement is **APPROVED** and the case is **DISMISSED**.

SO ORDERED.

PAUL GREENBERG

Chair

E. COOPER BROWN

Member