



**In the Matter of:**

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

**PROSECUTING PARTY,**

**and**

**PAT BRINEY,**

**COMPLAINANT,**

**v.**

**EXEL LOGISTICS,**

**RESPONDENT.**

**ARB CASE NO. 04-075**

**ALJ CASE NO. 2004-STA-5**

**DATE: July 27, 2005**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

*For the Prosecuting Party:*

*Leslie Paul Brody, Esq., United States Department of Labor, Atlanta, Georgia*

*For the Complainant:*

*James A. Stanford, Jr., Esq., Stanford & Driggers, Arab, Alabama*

*For the Respondent:*

*Roy A. Hulme, Esq., Reminger & Reminger, Cleveland, Ohio*

**FINAL ORDER APPROVING SETTLEMENT  
AND DISMISSING COMPLAINT**

This case arises under the employee protection provision of the Surface Transportation Assistance Act, 49 U.S.C.A. § 31105 (West 2004), and implementing

regulations, 29 C.F.R. Part 1978 (2004). On March 24, 2004, the Assistant Secretary of Labor for Occupational Safety and Health, the prosecuting party; Pat Briney, the complainant; and Exel Logistics, the Respondent, executed Consent Findings and Order in final disposition of Briney's complaint that Exel Logistics violated § 31105 of the Act. On March 25, 2004, a Labor Department Administrative Law Judge issued an Order Approving Consent Findings and Dismissing Complaint.

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" in cases arising under § 31105. 29 C.F.R. § 1978.109(c); *Monroe v. Cumberland Transp. Corp.*, ARB No. 01-101, ALJ No. 00-STA-50 (ARB Sept. 26, 2001).

On March 31, 2004, the Board issued a Notice of Review and Briefing Schedule permitting the parties to submit briefs in support of or in opposition to the ALJ's order. Each of the parties notified the Board of lack of intent to file a brief.

The parties have stipulated that the agreement constitutes the entire settlement of Briney's complaint against Exel Logistics. The Board has reviewed the settlement agreement and finds it fair, adequate, and reasonable. Accordingly, we **APPROVE** the ALJ's order and **DISMISS** the complaint with prejudice.

**SO ORDERED.**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

**OLIVER M. TRANSUE**  
**Administrative Appeals Judge**