



**Issue Date: 04 April 2008**

CASE No. 2008-STA-23

JACK TRUCKER,  
f.k.a. JOHN BALSIS,  
Complainant,

v.

ST. CLOUD MEAT & PROVISIONS, INC.,  
d.b.a. GOLD COUNTRY TRUCKING,  
Respondent

**RECOMMENDED ORDER APPROVING SETTLEMENT  
AGREEMENT AND CANCELLING HEARING**

This case arises under the Surface Transportation Assistance Act (STAA), 49 U.S.C. § 31105 and the regulations found at 29 C.F.R. Part 1978. The parties have filed a request for approval of their confidential settlement agreement and dismissal of the complaint with prejudice.

Pursuant to section 31105(b)(2)(C) of the Act, "[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 parties may settle a case at any time after the filing of objections to the Assistant Secretary's 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). Under the STAA a settlement agreement cannot become effective until its terms have been reviewed and determined to be fair, adequate, and reasonable, and in the public interest. *Tankersly v. Triple Crown Services, Inc.*, 1992-STA-8 (Sec'y Feb. 18, 1993). Consistent with that required review, 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.*

I have carefully reviewed the parties' settlement agreement and have determined that it constitutes a fair, adequate and reasonable settlement of the complaint and is in the public interest. Pursuant to 29 C.F.R. § 1978.109(c), however, the Administrative Review Board must issue the final order of dismissal of a STAA complaint resolved by settlement. *See Howick v. Experience Hendrix, LLC*, ARB No. 02-049, ALJ No. 2000-STA-32 (ARB Sept. 26, 2002).

Accordingly, **IT IS RECOMMENDED** that the Administrative Review Board **APPROVE** the settlement agreement, which is incorporated by reference, and **DISMISS** the complaint with prejudice. The hearing scheduled for May 13-14, 2008, in St. Paul, Minnesota, is hereby **CANCELLED**.

**SO ORDERED.**

**A**

THOMAS F. PHALEN, JR.  
Administrative Law Judge