

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 02 December 2004

Case No.: 2004-STA-0030

In the Matter of:

NORMAN PARKER,
Complainant

v.

P.B. INDUSTRIES, INC.,
Respondent

Appearances:

Paul O. Taylor, Esq.
For the Complainant

Carol Coplan Bobbitt, Esq.
For the Respondent

BEFORE: Robert L. Hillyard
Administrative Law Judge

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This action arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C. § 2305, and the implementing regulations of the Secretary of Labor published at 29 C.F.R. Part 1978, as a result of a complaint filed by Norman Parker.

After investigation of the complaint, Diane M. Turek, Area Director, Occupational Safety and Health Administration, U.S. Department of Labor, on February 20, 2003, issued the Secretary's Findings which were adverse to the Complainant. The Complainant appealed the findings and the case was transferred to the Office of Administrative Law Judges for hearing. On March 11, 2004, a Notice of Hearing and Pre-Hearing Order was issued scheduling a hearing on August 17, 2004, in Chicago, Illinois. At the request of the Respondent with no objection from the Complainant, the hearing was rescheduled to commence on October 19, 2004. On October 19, 2004, the parties submitted,

by facsimile, a copy of a *Settlement Agreement and Full and Final Release of All Claims*, and requested that the hearing be canceled. The hearing was canceled pending receipt of the original settlement agreement. The original settlement agreement was received on October 28, 2004.

The *Settlement Agreement and Full and Final Release of All Claims* is complete and bears the signatures of the Complainant and an official of the Respondent. Both parties are represented by counsel. The Agreement appears fair and reasonable and will be approved. The Agreement is to remain confidential to the extent provided by law.

ORDER

It is, therefore,

ORDERED that the *Settlement Agreement and Full and Final Release Of All Claims* is hereby APPROVED, and it is further,

ORDERED that the complaint of Norman Parker is hereby DISMISSED WITH PREJUDICE.

A

Robert L. Hillyard
Administrative Law Judge

NOTICE: This Decision and Order Approving Settlement Agreement and the administrative file in this matter will be forwarded to the Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, N.W., Washington, D.C., 20210, for entry of a Final Order. See 29 C.F.R. § 1978.109(a) and § 1978.109(c); *Howick v. Experience Hendrix, LLC*, ARB No. 02-049, ALJ No. 2000-STA-32 (ARB Sept. 26, 2002).