



In the Matter of:

WILLIAM W. OLSEN,

ARB CASE NO. 04-105

COMPLAINANT,

ALJ CASE NO. 03-STA-00022

v.

DATE: November 30, 2004

**GRAPHIC HOUSE, INC.,
and HUGH B. HARTINGER,**

RESPONDENTS.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT**

This case arises under Section 405, the employee protection provision of the Surface Transportation Assistance Act of 1982 (STAA), 49 U.S.C.A. § 31105 (West 1997), and implementing regulations at 29 C.F.R. Part 1978 (2004). The Administrative Law Judge (ALJ) below issued a Decision and Order approving the parties' settlement agreement and dismissing the complaint with prejudice.

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 May 26, 2004, the Board issued a Notice of Review and Briefing Order permitting either party to file briefs in support of or in opposition to the ALJ's order within 30 days of issuance. Neither party filed objections to the ALJ's order.

The ARB concurs with the ALJ's determination that the parties' settlement agreement is fair, adequate and reasonable. But we note that the agreement encompasses the settlement of matters under laws other than the STAA. *See* ¶ 2B and 3C of the Settlement Agreement. Because the Board's authority over settlement agreements is limited to such statutes as are within the Board's jurisdiction and is defined by the applicable statute, we approve only the terms of the agreement pertaining to William

Olsen's STAA claim. *Fish v. H and R Transfer*, ARB No. 01-071, ALJ No. 00-STA-56, slip op. at 2 (ARB Apr. 30, 2003).

The parties have agreed to settle Olsen's STAA claim. Accordingly, with the reservation noted above limiting our approval to the settlement of Olsen's STAA claim, we **APPROVE** the agreement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER TRANSUE
Administrative Appeals Judge