

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 20 April 2009

CASE NO.: 2005-STA-00010

In the Matter of:

HOWARD VINCENT KAROLY,
Complainant,

vs.

BRINK'S INCORPORATED,
Respondent.

Appearances: Judy A. Wise, Esquire,
For the Complainant

Frank M. Esposito, Esquire,
For the Respondent

Before: Jennifer Gee
Administrative Law Judge

RECOMMENDED DECISION AND ORDER DISMISSING CASE

This case arises under the employee protection provision of the Surface Transportation Assistance Act of 1982 ("STAA"), 49 U.S.C. § 31105. This proceeding was initiated before the Office of Administrative Law Judges ("OALJ") by the Complainant when he asked for a hearing after objecting to a decision issued by the Deputy Regional Administrator of the Department of Labor's Occupational Safety and Health Administration ("OSHA") on November 17, 2004, which dismissed a complaint he filed on September 16, 2004, alleging that the Respondent, Brink's Incorporated, violated § 405 of the STAA by terminating him. Section 405 of the STAA provides protection from discrimination to employees who engage in activity protected under the STAA. The OALJ has jurisdiction over this matter pursuant to 49 U.S.C. § 31105 and 29 C.F.R. § 1978.105.

I dismissed this case on October 19, 2006, after receiving a Notice of Voluntary Dismissal signed by counsel for both parties stipulating that this case should be dismissed with prejudice. This case was then forwarded to the Administrative Review Board ("ARB") for review pursuant to 29 C.F.R. § 1978.109(a). After receiving the case file, the ARB issued an order requiring the parties to submit a copy of the settlement agreement signed by both parties,

including the Complainant, individually. On September 29, 2008, after the parties failed to comply with the ARB's order, the ARB vacated my order and remanded this case for a hearing, completion of the settlement agreement or any other action consistent with the ARB's order.

I received the case file back from the ARB on January 14, 2009. On April 15, 2009, my office received from Respondent's counsel a copy of the settlement agreement signed on October 12, 2006, by counsel for both parties, the Complainant, and a representative for Respondent. I have reviewed the settlement agreement and find it to be fair, reasonable, and adequate. Accordingly, I hereby recommend that this case be DISMISSED WITH PREJUDICE pursuant to 29 C.F.R. § 1978.111(d)(2).

A

JENNIFER GEE
Administrative Law Judge