



Issue Date: 03 November 2006

CASE NO.: 2006-STA-00039

*In the Matter of:*

MARVIN STANDLEY,  
Complainant,

vs.

URM FOODS, INC.,  
Respondent.

**RECOMMENDED DECISION AND ORDER APPROVING SETTLEMENT  
AGREEMENT AND DISMISSING COMPLAINT**

This matter is before me on a request by Marvin Standley, the Complainant, for a hearing before the Office of Administrative Law Judges ("OALJ") under the employee protection provision of the Surface Transportation Assistance Act of 1982 ("Act" or "STAA"), 49 U.S.C. § 31105. The Complainant objected to findings issued by the Regional Administrator of the Department of Labor's Occupational Safety and Health Administration ("OSHA"), which dismissed a complaint he filed alleging that the Respondent violated § 405 of the STAA by discharging him for raising concerns about the safe operation of commercial motor vehicles.

This matter was scheduled for a hearing on November 16 and 17, 2006, in Spokane, Washington. The hearing was vacated after I was notified by the Respondent's counsel that the parties had reached a settlement. The parties were ordered to submit a settlement agreement to me for review. On October 26, 2006, the parties submitted a "Stipulated Order of Dismissal With Prejudice" executed by both parties, without the settlement agreement, and asked that I dismiss this complaint. By order issued November 1, 2006, I informed the parties that under the STAA implementing regulations at 29 C.F.R. § 1978.111(d)(2), settlement agreements must be submitted to the judge for approval before a case initiated under the STAA can be dismissed and ordered the parties to submit the settlement agreement to me for review.

The parties have now submitted the "Settlement Agreement and Release" signed by the parties to me, noting that the settlement amount has already been paid. I have reviewed the settlement agreement and find it to be fair, reasonable, and adequate.

It is therefore ORDERED that the Settlement Agreement and Release is hereby APPROVED. It is further ORDERED that the complaint in this matter be dismissed with prejudice pursuant to 29 C.F.R. § 1978.111(d)(2).

A

JENNIFER GEE  
Administrative Law Judge

**NOTICE OF REVIEW:** The administrative law judge's Recommended Order Approving Settlement, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. *See* 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Order Approving Settlement, the parties may file briefs with the Administrative Review Board ("Board") in support of, or in opposition to, the administrative law judge's order unless the Board, upon notice to the parties, establishes a different briefing schedule. *See* 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to