



**In the Matter of:**

**JOHN COLLIER,**

**ARB CASE NO. 05-147**

**COMPLAINANT,**

**ALJ CASE NO. 2004-STA-62**

**v.**

**DATE: March 29, 2006**

**SUNSHINE CONCRETE AND  
MATERIALS, INC.,**

**RESPONDENT.**

**BEFORE: THE ADMINISTRATIVE REVIEW BOARD**

**Appearances:**

***For the Complainant:***

**Geraldine S. Miller, Esq., Ft. Mohave, Arizona**

**FINAL DECISION AND ORDER APPROVING SETTLEMENT  
AND DISMISSING COMPLAINT WITH PREJUDICE**

This case arises under the employee protection provisions of the Surface Transportation Assistance Act (STAA) of 1982, as amended.<sup>1</sup> On August 19, 2005, the parties submitted an Amended Stipulation of Dismissal with Prejudice to a Department of Labor Administrative Law Judge (ALJ) advising that they had reached a settlement agreement.<sup>2</sup> Under the regulations implementing the STAA, the parties may settle a case at any time after the filing of objections to the Assistant Secretary's preliminary findings

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<sup>1</sup> 49 U.S.C.A. § 31105 (West 1997).

<sup>2</sup> The parties previously submitted a July 14, 2005 Stipulation of Dismissal with Prejudice, which the ALJ denied by order dated July 15, 2005. The ALJ disapproved the settlement in part because the parties failed to disclose the specific terms of their agreement.

“if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board . . . or the ALJ.”<sup>3</sup> The regulations direct the parties to file a copy of the settlement “with the ALJ or the Administrative Review Board, United States Department of Labor, as the case may be.”<sup>4</sup>

When the parties reached a settlement the case was pending before the ALJ. Therefore, the ALJ appropriately reviewed the settlement agreement. On August 24, 2005, the ALJ issued a Recommended Order Approving Settlement and Dismissing Complaint with Prejudice. According to the STAA’s implementing regulations, the Administrative Review Board issues the final decision and order in this case.<sup>5</sup>

The Board issued a Notice of Review and Briefing Schedule apprising the parties of their right to submit briefs supporting or opposing the ALJ’s recommended order.<sup>6</sup> The Complainant responded indicating that he would not be filing a brief.

The parties certified that the agreement constitutes the entire settlement with respect to the Complainant’s claims. The Board has reviewed the settlement agreement and finds it fair, adequate and reasonable. Accordingly, we **APPROVE** the terms of the agreement pertaining to Collier’s STAA claim and **DISMISS** the complaint with prejudice.

**SO ORDERED.**

**M. CYNTHIA DOUGLASS**  
**Chief Administrative Appeals Judge**

**WAYNE C. BEYER**  
**Administrative Appeals Judge**

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<sup>3</sup> 29 C.F.R. § 1978.111(d)(2) (2005).

<sup>4</sup> *Id.*

<sup>5</sup> 29 C.F.R. § 1978.109(c)(2); *Monroe v. Cumberland Transp. Corp.*, ARB No. 01-101, ALJ No. 00-STA-50 (ARB Sept. 26, 2001); *Cook v. Shaffer Trucking Inc.*, ARB No. 01-051, ALJ No. 00-STA-17 (ARB May 30, 2001).

<sup>6</sup> 29 C.F.R. § 1978.109(c)(2).