



In the Matter of:

**ASSISTANT SECRETARY OF LABOR FOR
OCCUPATIONAL SAFETY AND HEALTH,**

PROSECUTING PARTY,

and

ERNEST JENNINGS,

COMPLAINANT,

v.

1 STOP LOGISTICS, INC.,

RESPONDENT.

ARB CASE NO. 04-162

ALJ CASE NO. 04-STA-31

DATE: January 26, 2005

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

FINAL DECISION AND ORDER APPROVING SETTLEMENT

This case arises under the employee protection provisions of the Surface Transportation Assistance Act (STAA) of 1982, as amended.¹ On August 11, 2004, the Assistant Secretary of Labor for Occupational Safety and Health; Ernest Jennings, the complainant, and 1 Stop Logistics, the respondent, submitted Consent Findings and Order in final settlement of this case to a Department of Labor Administrative Law Judge (ALJ). 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 "if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board . . . or the ALJ."² The regulations direct the parties to file a

¹ 49 U.S.C.A. § 31105 (West 1997).

² 29 C.F.R. § 1978.111(d)(2) (2004).

copy of the settlement “with the ALJ or the Administrative Review Board, United States Department of Labor, as the case may be.”³

When the parties reached the settlement, the case was pending before the ALJ. Therefore, the ALJ appropriately reviewed the settlement agreement. On August 18, 2004, the ALJ issued an Order Approving Settlement. Nevertheless, according to the STAA’s implementing regulations, the ARB issues the final decision and order in this case.⁴

The Administrative Review Board issued a Notice of Review and Briefing apprising the parties of their right to submit briefs in support of or in opposition to the ALJ’s decision.⁵ None of the parties filed a response with the Board.

The parties have certified that the agreement constitutes the entire settlement with respect to Jennings’s claims.⁶ Having reviewed the agreement and the ALJ’s Order, we **APPROVE** the settlement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

WAYNE C. BEYER
Administrative Appeals Judge

³ *Id.*

⁴ 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).

⁵ 29 C.F.R. § 1978.109(c)(2).

⁶ Settlement Agreement p. 1.