In the Matter of:

CURT SIEKERT, 

COMPLAINANT, 

v. 

TAYLOR MADE EXPRESS, INC., 

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

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.¹ On December 17, 2004, Complainant’s counsel submitted a Settlement and Release signed by the Complainant and the Respondent 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 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 a settlement the case was pending before the ALJ. Therefore, the ALJ appropriately reviewed the settlement agreement. On December 22, 2004, the ALJ issued a Recommended Decision and Order (R. D. & O.) Approving

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³ Id.
Settlement and Dismissing Complaint. According to the STAA’s implementing regulations, the Administrative Review Board issues the final decision and order in this case.4

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 decision.5 Neither the Complainant nor the Respondent responded to the Board’s notice. We therefore deem settlement unopposed under the terms of the R. D. & O.

The Board’s authority over settlement agreements is limited to the statutes that are within the Board’s jurisdiction as defined by the applicable statute. Therefore, we APPROVE the terms of the agreement pertaining to the Complainant’s STAA claim,6 and DISMISS the complaint with prejudice.

SO ORDERED.

WAYNE C. BEYER  
Administrative Appeals Judge  

M. CYNTHIA DOUGLASS  
Chief Administrative Appeals Judge  

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5 29 C.F.R. § 1978.109(c)(2).

6 Fish v. H & R Transfer, ARB No. 01-071, ALJ No. 00-STA-56, slip op. at 2 (ARB Apr. 30, 2003).