

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 24 August 2005

CASE NUMBER: 2004-STA-00062

In the Matter of:

JOHN COLLIER,
Complainant,

vs.

SUNSHINE CONCRETE AND MATERIALS,
Respondent.

**Recommended Order Approving
Settlement and Dismissing Complaint with Prejudice**

This proceeding arises under Section 31105 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. § 31101) and the implementing regulations the Secretary promulgated at 29 C.F.R. Part 1978 (2004). At any time before a final order has been entered, the parties may settle the claims. 49 U.S.C. §31105(b)(2)(C); 29 C.F.R. §1978.111(d)(2). A Judge reviews the terms to ensure they are fair, adequate, and reasonable. *Champlin v. Florilli Corp.*, OALJ No. 1991-STA-7 (Sec'y May 20, 1992). The parties' agreement is a fair, adequate and reasonable settlement of the complaint. They have certified that they have not entered into any other settlement agreements.

The Administrative Review Board will issue the final order. *Radle v. Panther Bus Service*, ARB No. 04 018, ALJ Nos. 2003 STA 19 and 20 (ARB Mar. 22, 2004); *Ass't Sec'y & Bielicki v. Lu Transport, Inc.*, ARB No. 04 053, ALJ No. 2004 STA 11 (ARB Mar. 30, 2004).

It is recommended that (1) the parties' Settlement Agreement be approved; and (2) the complaint be dismissed with prejudice.

A

William Dorsey
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 the Board.