

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 08 September 2004

Case No.: 2004-STA-00025

In the Matter of

JOHN GRIFFITH,
Complainant

v.

DYNAMIC TRUCKING, INC.

DYNAMIC TRUCKING, L.L.C.

SAINT TRANSPORTATION, INC.

SCHILLI DISTRIBUTION SERVICES, INC.

SCHILLI LEASING, INC.

SCHILLI SPECIALIZED, INC. d.b.a. COMBINED SCHILLI COMPANIES

SCHILLI TRANSPORTATION SERVICES, INC.

TRANSFER OF INDIANA

WABASH VALLEY TRANSPORTATION, INC.

WVT OF TEXAS, INC.

JOHN DOE

and

MARY ROE,

Respondents

ORDER APPROVING SETTLEMENT AGREEMENT AND DISMISSAL

The above matter was scheduled for a formal hearing pursuant to §31105 of the Surface Transportation Assistance Act of 1982, (hereinafter, "STAA" or the "Act") 49 U.S.C. 31101, *et seq.* commencing on September 21, 2004. On August 13, 2004, Counsel for the Respondents submitted, by facsimile, a copy of a settlement agreement signed by the Respondents. On August 20, 2004, Counsel for Complainant advised this office by telephone that the Complainant has also agreed to the settlement. On August 24, 2004, Counsel for the Respondents submitted a

Notice of Settlement and Request for Removal of Trial Date. On August 25, an order was issued canceling the hearing and requiring submission of the executed settlement agreement.

By notice filed (by facsimile) on August 31, 2004, Complainant and Respondents advised that the parties have agreed to settle any and all claims between the Complainant and Respondents, and attached a copy of the executed Settlement Agreement with a request for dismissal of this matter. The Settlement Agreement is attached hereto, and is hereby fully incorporated and adopted as a part of this order.

It is noted that any settlement of a case under the Act must be approved by the Administrative Law Judge, and a final order issued by the Administrative Review Board pursuant to 29 CFR § 1978.111(d)(2). *See Howick v. Experience Hendrix, LLC*, ARB No. 02-049, ALJ No. 2000-STA-32 (ARB Sept. 26, 2002).

The Settlement Agreement provides that Complainant releases Respondents from claims arising under the Surface Transportation Assistance Act. This review is limited to whether the terms of the settlement are a fair, adequate and reasonable settlement of Complainant's allegations that Respondents violated the STAA. *Kidd v. Sharron Motor Lines, Inc.*, 87-STA-2 (Sec'y July 30, 1987). Upon review of the terms of the agreement and the case record, I find that agreement is fair, adequate, and reasonable, and therefore, I approve the Settlement Agreement.

Accordingly, it is Ordered that the complaint is DISMISSED with prejudice pursuant to 29 C.F.R. § 1978.111(d)(2).

A

Richard E. Huddleston
Administrative Law Judge