

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 06 January 2005

CASE NO.: 2004-STA-00038

In the Matter of

TOMMY E. LAMBKA
Complainant

v.

CUSTOM TOWAWAY, INC.
Respondent

RECOMMENDED ORDER APPROVING SETTLEMENT

This case arises under the “whistleblower” employee protection provisions of § 405 of the Surface Transportation Assistance Act of 1982 (the Act, as amended), 49 U.S.C. § 31105, and its implementing regulations, 29 C.F.R. Part 1978.

On January 3, 2005, the parties submitted their “Settlement Agreement” by which they have resolved all claims in this case. I have reviewed the Settlement Agreement, pursuant to 29 C.F.R. § 1978.111(d)(2), and find that it is a fair and equitable settlement of all matters at issue in this case. Consequently, I shall approve the settlement.¹

Accordingly, it is ORDERED that the parties’ Settlement Agreement is approved.

A

Robert D. Kaplan
Administrative Law Judge

Cherry Hill, New Jersey

¹ The Settlement Agreement also states that the parties have resolved the related action 79D01-0310-CT-76 pending in the Superior Court of Tippecanoe County, Indiana. I neither approve nor disapprove this portion of the Settlement Agreement.

NOTICE: This Recommended Order Approving Settlement and the administrative file in this matter will be forwarded to the Administrative Review Board, U.S. Department of Labor, Room S-4309, 200 Constitution Avenue, NW, Washington DC 20210, for entry of a Final Order. See 29 C.F.R. § 1978.109(a) and 1978.109(c); *Howick v. Experience Hendrix, LLC*, ARB No. 02-