

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 27 May 2011

Case No.: **2010-STA-00043**

In the matter of

DONALD DIERDORFF,
Complainant

v.

SOUTHERN REFRIGERATED TRANSPORT (SRT),
Respondent

DECISION AND ORDER APPROVING SETTLEMENT AND DISMISSING CASE
And
ORDER CANCELING HEARING (for 6/28 & 29/2011)

This proceeding arises from a complaint filed by Donald Dierdorff against Southern Refrigerated Transport (SRT) and the resultant appeal of the Secretary's Findings and Dismissal of the complaint. This proceeding arises under Section 31105 of the Surface Transportation Assistance Act (STAA) of 1982 (49 U.S.C. § 31101) and the regulations promulgated thereunder [29 C.F.R. Part 1978 (1989)]. On May 23, 2011, the parties filed a Settlement Agreement and Release of All Claims in accordance with 29 C.F.R. § 1978.11 1(d)(2).

The Act and implementing regulations provide that a proceeding under the Act may be ended prior to entry of a final order by a settlement agreement between the parties. 49 U.S.C. §311105(b)(2)(C); 29 C.F.R. § 1978.111(d)(2). The Administrative Law Judge's role in reviewing the parties' settlement agreement is limited to ascertaining whether the terms of the agreement fairly, adequately and reasonably settle the Complainant's allegations that the Respondent violated the Act. Ass't Sec'y & Zurenda v. Corporate Express Delivery Systems, Inc., ARB No. 00-04 1, OALJ No. 1999-STA-30 (ARB March 31, 2000) (Zurenda); Champlin v. Florilli Corp., OALJ No. 199 1-STA-7 (Sec'y May 20, 1992).

Pursuant to the requirements of the Act and the implementing regulations, I have carefully reviewed the terms of the parties' Settlement Agreement, and I have determined that it constitutes a fair, adequate and reasonable settlement of the complaint. The signed agreement is made a part of the formal file.

This matter is currently scheduled for a hearing on **Tuesday, June 28, 2011** and **Wednesday, June 29, 2011** at **9:00 a. m.** in **Las Vegas, Nevada.**

ACCORDINGLY, it is hereby ORDERED that:

1. The "Settlement Agreement and Release of All Claims" is **APPROVED** and
2. The appeal of Donald Dierdorff is **DISMISSED** with prejudice.
3. The hearing scheduled for **Tuesday, June 28, 2011** and **Wednesday, June 29, 2011** is hereby **CANCELED**.

A

RICHARD K. MALAMPHY
Administrative Law Judge

RKM/ccb
Newport News, Virginia