

**U.S. Department of Labor**

Office of Administrative Law Judges  
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**Issue Date: 18 May 2011**

Case No.: 2010-STA-00036

In the Matter of:

DONALD TOWNSEND, *pro se*,

Complainant,

v.

INTERNATIONAL SPECIALTY SUPPLY, INC.

Respondent.

**DECISION AND ORDER APPROVING  
SETTLEMENT AND DISMISSING CASE**

This proceeding arises from a complaint filed by Mr. Donald Townsend against International Specialty Supply, Inc., and the resultant appeal of the Secretary's findings dismissing the complaint. The complaint was filed under Section 405 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. § 31105, and the regulations promulgated thereunder, 29 C.F.R. Part 1978 (1989). On May 12, 2011, counsel for the Respondent filed a Voluntary Settlement Agreement and Release of Claims in accordance with 29 C.F.R. § 1978.111(d)(2). The Agreement was signed by the Complainant and by the President of the Respondent.

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); *Champlin v. Florilli Corp.*, OALJ No. 1991-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 case file.

**ORDER**

It is hereby **ORDERED** that:

1. The “Voluntary Settlement Agreement and Release of Claims” is **APPROVED** and
2. The appeal of Donald Townsend is **DISMISSED** with prejudice.

A

KENNETH A. KRANTZ  
Administrative Law Judge

KAK/mrc  
Newport News, Virginia