



In the Matter of:

NORMAN PARKER,

ARB CASE NO. 05-027

COMPLAINANT,

ALJ CASE NO. 04-STA-30

v.

DATE: April 29, 2005

P. B. INDUSTRIES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

Paul O. Taylor, Esq., *Truckers Justice Center, Burnsville, Minnesota*

For the Respondent:

Carol Coplan Bobbitt, Esq., *Chicago, Illinois*

**FINAL ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT**

This case arises under the employee protection provision of the Surface Transportation Assistance Act (STAA), as amended, 49 U.S.C.A. § 31105 (West 1997), and the implementing regulations at 29 C.F.R. Part 1978 (2004). Norman Parker filed a complaint alleging that P.B. Industries fired him in retaliation for engaging in activity protected by STAA. Before the scheduled hearing, the parties settled the matter and requested approval of their agreement from the Department of Labor Administrative Law Judge (ALJ) assigned to the case. The parties submitted for review by the ALJ a document entitled "Settlement Agreement and Full and Final Release of all Claims," and on December 2, 2004, the ALJ issued a Recommended Decision and Order Approving Settlement Agreement (R. D. & O.) in which he recommended approval of the agreement and dismissal of the complaint with prejudice.

DISCUSSION

Under STAA, the parties may settle a case “if . . . such settlement is approved by the Administrative Review Board . . . or the ALJ.” 29 C.F.R. § 1978.111(d)(2). The regulations direct the parties to file a copy of the settlement agreement “with the ALJ or the Administrative Review Board as the case may be.” *Id.* In this case, the parties reached settlement while this matter was pending before the ALJ. The ALJ, therefore, reviewed the agreement and then forwarded it to the Administrative Review Board (ARB) for issuance of the final decision and order. See 29 C.F.R. § 1978.109(c).

Review of the agreement reveals that it encompasses the settlement of matters under laws other than STAA. Settlement Agreement at ¶ 2B. Our authority over settlement agreements is limited to those statutes within the Board’s jurisdiction and is defined by the applicable statute. See *Trechak v. American Airlines, Inc.*, ARB No. 03-141, ALJ No. 03-AIR-5, slip op. at 3 (ARB Mar. 19, 2004). Thus, we approve the instant settlement agreement only insofar as it pertains to matters within our jurisdiction.

Paragraphs 2D and 3D of the agreement provide that the parties shall keep the terms of the settlement confidential with certain specified exceptions. We note that the record in this case, including the settlement agreement, is subject to the applicable provisions of the Freedom of Information Act (FOIA), 5 U.S.C.A. § 552 (1996). The manner in which the Department, as a Federal agency, is required to respond to FOIA requests is set out in the Department’s regulations at 29 C.F.R. Part 70 (2004).

CONCLUSION

The parties have agreed to settle the Complainant’s STAA claim. The agreement is a fair, adequate and reasonable settlement of the complaint. Accordingly, we **APPROVE** the agreement and **DISMISS** the Complaint.

SO ORDERED.

WAYNE C. BEYER
Administrative Appeals Judge

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge