



In the Matter of:

RAYMOND J. BRAULT,

ARB CASE NO. 07-106

COMPLAINANT,

ALJ CASE NO. 2007-STA-038

v.

DATE: October 31, 2007

RYDER INTEGRATED LOGISTICS, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

**FINAL DECISION AND ORDER APPROVING SETTLEMENT
AND DISMISSING COMPLAINT WITH PREJUDICE**

This case arises under Section 405, the employee protection provision, of the Surface Transportation Assistance Act of 1982 (STAA)¹ and its implementing regulations.² The Administrative Law Judge (ALJ) below issued a Recommended Decision and Order Approving Settlement Agreement and Dismissing Complaint (R. D. & O.) on August 7, 2007.

Under the regulations implementing the STAA, the parties may settle a case at any time after filing objections to the Assistant Secretary's preliminary findings, and before those findings

¹ 49 U.S.C.A. § 31105 (West 2007). The STAA has been amended since Brault filed his complaint. See Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, 121 Stat. 266 (Aug. 3, 2007). Even if the amendments were applicable to this complaint, they would not affect our decision.

² 29 C.F.R. Part 1978 (2007).

become final, “if the participating parties agree to a settlement and such settlement is approved by the Administrative Review Board [Board] . . . or the ALJ.”³ The regulations direct the parties to file a copy of the settlement with the ALJ, the Board, or United States Department of Labor.⁴

Pursuant to 29 C.F.R. § 1978.109(c)(1), the Board “shall issue a final decision and order based on the record and the decision and order of the administrative law judge.” In reviewing the ALJ’s legal conclusions, the Board, as the Secretary’s designee, acts with “all the powers [the Secretary] would have in making the initial decision”⁵ The Board reviews the ALJ’s legal conclusions de novo.⁶

The Board received the R. D. & O. and issued a Notice of Review and Briefing Schedule apprising the parties of their right to submit briefs supporting or opposing the ALJ’s recommended decision on August 15, 2007. Neither the Complainant, Raymond Brault, nor the Respondent, Ryder Integrated Logistics, filed a brief with the Board.

The ARB concurs with the ALJ’s determination that the parties’ settlement agreement is fair, adequate and reasonable. But we note that the Agreement encompasses the settlement of matters under laws other than the STAA.⁷ The Board’s authority over settlement agreements is limited to the statutes that are within the Board’s jurisdiction as defined by the applicable statute. Our approval is limited to this case, and we understand the settlement terms relating to release of STAA claims as pertaining only to the facts and circumstances giving rise to this case. Therefore, we approve only the terms of the Agreement pertaining to Brault’s STAA claim ARB No. 07-106, 2007-STA-038.⁸

Additionally, we construe paragraph 12, the governing law provision, as not limiting the authority of the Secretary of Labor and any federal court, which shall be governed in all respects by the laws and regulations of the United States.⁹

³ 29 C.F.R. § 1978.111(d)(2).

⁴ *See id.*

⁵ 5 U.S.C.A. § 557(b) (West 1996).

⁶ *See Roadway Express, Inc. v. Dole*, 929 F.2d 1060, 1066 (5th Cir. 1991).

⁷ *See, e.g.*, para. 1 of the Agreement.

⁸ *Fish v. H & R Transfer*, ARB No. 01-071, ALJ No. 2000-STA-056, slip op. at 2 (ARB Apr. 30, 2003).

⁹ *Phillips v. Citizens Ass’n for Sound Energy*, 1991-ERA-025, slip op. at 2 (Sec’y Nov. 4, 1991).

The parties have agreed to settle Brault's STAA claim. Accordingly, with the reservations noted above, we **APPROVE** the agreement and **DISMISS** the complaint with prejudice.

SO ORDERED.

M. CYNTHIA DOUGLASS
Chief Administrative Appeals Judge

OLIVER M. TRANSUE
Administrative Appeals Judge