

U.S. Department of Labor

Administrative Review Board
200 Constitution Ave. NW
Washington, DC 20210-0001



IN THE MATTER OF:

**MICHAEL RAZIANO, JIM
DAVIS, JR., MARK SOTO
and BRIAN TRAISTER,**

COMPLAINANTS,

v.

ALBERTSONS, LLC,

RESPONDENT.

ARB CASE NO. 2023-0010

**ALJ CASE NOS. 2020-STA-00084
2020-STA-00085
2020-STA-00086
2020-STA-00088**

DATE: February 16, 2023

Appearances:

For the Complainants, Raziano, Davis, Soto, and Traister:

**Edward E. Alon, Esq., and Jonathan A. Alon, Esq.; ALON LLP;
Woodland Hills, California**

For the Complainants, Davis, Soto, and Traister:

**Paul O. Taylor, Esq., and Peter L. LaVoie, Esq.; *Truckers Justice
Center*; Edina, Minnesota**

For the Respondent:

Raymond Perez, Esq.; *Jackson Lewis P.C.*; Atlanta, Georgia

Before BURRELL and PUST, Administrative Appeals Judges

**DECISION AND ORDER APPROVING SETTLEMENT AND DISMISSING
APPEAL**

BURRELL, Administrative Appeals Judge:

This case arises under the employee protection provisions of the Surface Transportation Assistance Act of 1982 (STAA), and its applicable implementing regulations.¹ On November 14, 2022, a United States Department of Labor Administrative Law Judge (ALJ) issued an Attorney Fee Order. On November 28, 2022, Albertsons, LLC (Respondent) filed a timely petition for review of the Attorney Fee Order. The Administrative Review Board (Board or ARB) accepted Respondent's petition for review on November 29, 2022.

On January 11, 2023, pursuant to 29 C.F.R. § 1978.111(c), Respondent filed an Unopposed Motion for Voluntary Dismissal of Appeal (Unopposed Motion).² In Respondent's Unopposed Motion, Respondent notified the Board that the issues presented in the petition for review have been resolved and there is no need to pursue the appeal further.

On January 24, 2023, the Board issued an Order, noting that 29 C.F.R. § 1978.111(c) specifies that “[i]f objections or a petition for review are withdrawn because of settlement, the settlement must be submitted for approval in accordance with paragraph (d) of this section.” The regulations at paragraph (d)(2) state that if the parties agree to a settlement, the settlement must be approved by the ARB and “[a] copy of the settlement will be filed with the . . . ARB” In accordance with these provisions, the Board ordered Respondent to file a certification that the matter had not been resolved by a settlement or, in the alternative, to file a copy of any settlement for consideration by the Board.

On January 31, 2023, Respondent filed a Certification of Satisfaction Agreement to Support Unopposed Motion for Voluntary Dismissal of Appeal (Certification). Respondent attached to the Certification a Payment and Satisfaction Agreement (Agreement) indicating that it was a Settlement Agreement and General Release entered into between the parties. In the Certification, Respondent explained that the parties entered into the Agreement “to resolve this final issue in these matters.” Respondent claimed the Agreement resolved the amount of attorney fees to be paid to both sets of Complainants' Counsel. Therefore, Respondent requested that the ARB accept the Agreement, grant the Unopposed Motion, and dismiss the appeal.

¹ 49 U.S.C. § 31105(a); 29 C.F.R. Part 1978 (2022).

² 29 C.F.R. § 1978.111(c) states in part: “If a case is on review with the ARB, a party may withdraw a petition for review of an ALJ's decision at any time before that decision becomes final by filing a written withdrawal with the ARB.”

The STAA's implementing regulations provide that parties may settle a case the Board has accepted for review, if the parties agree to a settlement and the Board approves it.³ We review the Agreement to determine if it is fair, adequate, and reasonable.⁴

After careful review of the Agreement, the ARB finds that the settlement between Complainants and Respondent is fair, adequate, and reasonable, and does not contravene the public interest. Accordingly, we **APPROVE** the Agreement, **GRANT** Respondent's Unopposed Motion to withdraw objections pursuant to 29 C.F.R. § 1978.111(c), and **DISMISS** Respondent's appeal.

SO ORDERED.



THOMAS H. BURRELL
Administrative Appeals Judge



TAMMY L. PUST
Administrative Appeals Judge

³ 29 C.F.R. § 1978.111(d)(2).

⁴ *Hopper v. Marten Transp., Ltd.*, ARB No. 2016-0043, ALJ No. 2014-STA-00069, slip op. at 2 (ARB June 29, 2016) (Final Decision and Order Approving Settlement and Dismissing Complaint).