



Issue Date: 24 March 2011

Case No.: 2010-FRS-00015

In the Matter of

MARK LATVA,

Complainant,

v.

NORFOLK SOUTHERN RAILWAY CO.,

Respondent.

ORDER APPROVING SETTLEMENT

This matter arises out of a claim filed by Complainant under the employee protection provisions of the Federal Rail Safety Act (FRSA), 49 U.S.C. § 20109, as amended by Section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Pub. L. No. 110-53 (July 25, 2007), and Section 419 of the Rail Safety Improvement Act of 2008 (RSIA), Pub. L. No. 110-432 (Oct. 16, 2008). FRSA investigatory proceedings are governed by the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121 (“AIR 21”). 49 U.S.C. § 20109(d)(2).

On March 11, 2011, the parties notified this Court that they had reached a settlement in this case and a related state case¹ and filed a “Stipulation to Dismiss with Prejudice” the FRSA claim pending before this Court. A copy of the Release (Settlement) Agreement was attached to the Stipulation.

I have thoroughly reviewed the terms of the agreement and find it comports with the provisions of 29 CFR § 1979.111(d)(2). The parties have addressed potential Medicare lien issues. The release is signed by the Complainant, who is represented by able counsel and there is no indication of coercion or intimidation.

Wherefore, for good cause shown, the Agreed Settlement is hereby **APPROVED**. This is considered a “final order” under 29 CFR § 1979.111(e) and may be enforced pursuant to

¹¹ *Latva v. Norfolk Southern Railway Company*, Circuit Court, Wayne County, Michigan, Docket Number 10-005 132 NO.

§19179.113. The complaint is considered to have been “withdrawn” by the Complainant and prejudice attaches as agreed to in the Settlement Agreement.

IT IS SO ORDERED.

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ROBERT B. RAE

U. S. Administrative Law Judge

Washington, DC