



Issue Date: 17 July 2017

CASE NO.: 2014-FRS-110

IN THE MATTER OF

JONATHON C. DOMER
Complainant

v.

CSX TRANSPORTATION, INC.
Respondent

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

This case arises from a complaint filed by Jonathon C. Domer (“Complainant”) against CSX Transportation, Inc. (“Respondent”) under the “whistleblower” protection provisions of the Federal Railroad 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. The 9/11 Act was the result of a Conference Report, H.R. Rep. 110-259 (July 25, 2007) (Conf. Rep.).

A hearing in this matter was scheduled to commence before the undersigned on November 15, 2016 in Birmingham, Alabama. The hearing was cancelled to allow a possible settlement through mediation. A Settlement Agreement and General Release was e-mailed to the Court on 10 Jul 17.

I first note that the parties were ably represented by counsel. Further, the Complainant’s signature on the agreement represents his understanding of the agreement’s provisions and the associated rights and obligations. Having reviewed the agreement, I find the provisions are fair, adequate, and not contrary to the public interest. The settlement also supports a finding that the complaint be dismissed. Consequently, approval of the agreement is appropriate. Upon my approval, the parties shall implement their settlement as specifically stated in the Agreement.

The parties have agreed to keep the specific terms of the agreement confidential, subject to applicable laws. To effectuate such confidentiality, I will have the settlement agreement sealed. However, notwithstanding the parties’ agreement, the parties’ submissions, including the settlement agreement, become part of the record of the case and are subject to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(a). If a FOIA request is made for the settlement

agreement, the U.S. Department of Labor will have to respond and decide whether to exercise its discretion to claim any applicable exemption.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Settlement and Final Release Agreement is **APPROVED**; and
2. The complaint is **DISMISSED WITH PREJUDICE**.

ORDERED this 17th day of July, 2017, at Covington, Louisiana.

PATRICK M. ROSENOW
Administrative Law Judge