

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES
BOSTON, MASSACHUSETTS

Issue Date: 04 November 2014

CASE NO.: 2014-FRS-00158

In the Matter Of:

PETER NAIDEN,
Complainant,

v.

METRO NORTH COMMUTER RAILROAD CO.,
Respondent.

DECISION AND ORDER APPROVING SETTLEMENT

This case arose under the Federal Rail Safety Act (“FRSA”), as amended,¹ which provides whistleblower protections to employees of railroad carriers for engaging in certain protected activities. On October 30, 2014, the parties submitted a “Release and Settlement Agreement,” (hereinafter the “Settlement”) which resolves all issues raised in the complaint, for my review and approval. The Settlement has been signed by the Complainant, Complainant’s counsel, and a representative of Respondent and is incorporated herein by reference.

My review of the Settlement is limited to a determination of whether its terms are fair, adequate and reasonable under the FRSA.² The settlement must adequately protect the whistleblower. Furthermore, the settlement must not be contrary to public interest.

After careful consideration of the Settlement, I find that the terms and conditions are acceptable. Moreover, I find the terms of the agreement to be fair, adequate, and reasonable under the FRSA, and that the terms adequately protect the Complainant. Furthermore, I believe it is in the public interest to approve the Settlement as a basis for administrative disposition of this case, and I therefore approve the Settlement.

IT IS THEREFORE ORDERED that the Settlement submitted by the parties is APPROVED. The complaint is DISMISSED WITH PREJUDICE. In accordance with the

¹ 49 U.S.C. § 20109 (2011).

² See *Poulos v. Ambassador Fuel Oil Co.*, No. 91-ERA-25, slip op. at 2 (Sec’y of Labor, Nov. 4, 1991).

regulations, the settlement constitutes the final order of the Secretary of Labor³ and may be enforced under 29 C.F.R. § 1982.113 (2012).

SO ORDERED.

COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts

³ 29 C.F.R. § 1982.111(e).